App. F. IX-4

Previous References
Law 54-32-1-3

1932.
(Law)

File No. 54-32
Serial Nos. 4-12

Later References
Law 54-32-13 & 14
Law Dep. 154-33

PRESERVED

177

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. None

Part B for April '34

SUBJECT.

Mysore Dasara Disturbance Cases on the file of the City Magistrate, Mysore. (C.C. nos 113 and 130 of 32-33)

M. Abdul Aziz
11.5.34

General and Revenue Secretariat | Law File No. 54 of 193 | App. F. III—2

Serial No.

From,

The District Magistrate, Mys.

No. S.3.536/32-33 dated 30th nov 1932 stating that the PPr. Mysore reports that he is very busy with the Sessions Cases and proposes to delegate the further Conduct of the Prosecution in the Mys. Dasara disturbance Cases to the Prosecuting Inspector attached to the City Magistrate Court Mysore, and soliciting sanction for the said arrangement in the circumstances stated.

1) 2 Cases are said to have been launched in Connection with the recent Mys. Dasara disturbances. The PPr. suggests that though the further Conduct of the prosecution in the above cases is entrusted to the Prosecuting Inspector he will appear before the city magistrate and share the work with the Prosecuting Inspector whenever he is free. As these are important Cases it is for Consideration whether a Special PPr may be appointed to Conduct the prosecution ~~in the~~ Cases especially in view of the fact there are number of witness to be examined for the prosecution. If this is not possible, the PPr may be requested to extend his Cooperation as far as possible and address arguments after the prosecution is closed.

Subs for orders.

C.C. 113/30-33
C.C. 133/32-33.

Date of Hg 5.12.32

GENERAL SECRETARIAT
3 - DEC. 1932
No.

2) This may be done. A special P.P. for the Cases

Eric Lee
2

Ce 3/12/32

WD 70—GBPM—60,000—13-8-31.

I Decr

Secretariat Branch, Sheet No. 1
First Mail
5 DEC 1932
4513

LTM 3/12

Asst

General and Revenue Secretariat

5) Submitted a dft to the D.M. Mysore

To,

The District Magistrate, Mysore

no. C. 3127 dated 5th Dec 1932 informing that if the circumstances pointed out, Govt agree to the arrangement proposed, and stating that the Pbr. may be requested to extend his co-operation as far as possible and address the arguments after the prosecution is closed.

6) This may be Subt to the Ch. Secy for perusal & fur ime.

ISD
6/12

Chief Secretary)

6/12

CHIEF SECRETARY.
6 DEC. 1932

Chief Secretary's note in C.B. file.

Issue instructions to Law section about early disposal of the Mys. Dasara Disturbance Cases.

Sus C

ISD D.no. 3213
7/12

The Pbr Mys.

no. 370-Md 5th Dec 1932 intimating that C.C. 118/32-33 and C.C. 130/32-33 are posted to 14.12.32 and 16.12.32 respectively

General and Revenue Secretariat — Your File No. 54 of 1932

Serial No.	
	7) Subt with a dft D.O. to the Dist. Magte Mysore requesting him to arrange for the speedy disposal of the case. 15/12 (Illegible) 8/12/32
	8) It would perhaps be better to address the High Court I presume) 10/12
	9) no harm in issuing the D.O. as drafted 12/12 12/12
	10) The draft is for approval 13/12/32
	11) Done 14/12/32

GENERAL SECRETARY 8 DEC. 1932 No.

TYPING SECTION 14 DEC. 1932 GENL. & REV SECTT.

To

The Dist. Magte Mysore

D.O.No.P. 3196 d 14.12.32 requesting him to arrange for the speedy disposal of the case.

Sub 6/4.1.33

NOTE—Confn. Sheet

3776/32
P 4

POLICE DEPARTMENT.

Tel. Address
"POLICE"

PHONE No. 298

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

When replying please quote No. C.C. 63/32-33.

Dated Bangalore, 13th January, 1933.

Law 54-32-7

FROM

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

CHIEF SECRETARY. 13 JAN. 1933

TO

R. RANGA RAO, Esqr., B.A., B.L.,
Offg: Chief Secretary to the Government of Mysore,
BANGALORE.

13/1/33

SIR,

I have the honour to report that the progress in Dusserrah Disturbance cases of Mysore has been made as follows :--

File No. 81 of the City Magistrate's Court:-

Originally posted for hearing on 8th November, 1932, and up-to-date 27 witnesses have been examined and the case is posted to 17th January, 1933, for the examination of the remaining witnesses.

File No. 82 of the City Magistrate's Court :--

This was originally posted for hearing on 29th November, 1932, and 15 witnesses have been examined and one of them partially cross-examined up-to-date and the case is posted to 26th January, 1933, for the examination of the remaining witnesses.

As it is important that the hearing in these cases should be expedited by their being continuously heard, I would suggest that the District Magistrate Mysore District, be given instructions in the matter. It may be mentioned that the Prosecuting Inspector, Mysore City, has been told to facilitate the rapid progress of the cases.

I have the honour to be,
Sir,
Your most obedient servant,

INSPECTOR GENERAL OF POLICE.

P.S. P.P.'s reports received yesterday show that C.C. 130/32-33 is posted to 18th, 19th & 20th Jan'y 1933 and C.C. 113/32-33 posted to 16th Jan'y 1933. Dist. Mgte Mysore has already been instructed to arrange for an speedy disposal of the cases. Submitted for perusal.

CHIEF SECRETARY. OISD 19 JAN. 1933 Chief Sec)

19/1/33

B) It would seem as if the case is being proceeded with as usual. Further steps may be taken. 8 A 1/1

20/1/33

Re Mysore Dasara disturbance Cases

[App. F. III—2

General and Revenue Secretariat | Home File No. 54 of 1932.

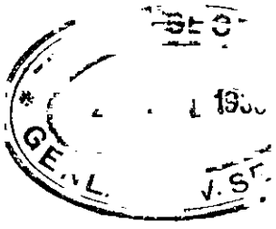
Serial No.

19) Subj with a dft D.O. accordingly

19/1

Issue

E 267/33



To,

The Dist Magte Mysore

D.O. No. S. 4099 dated 28.1.33 requesting to see that the Cases are disposed of very early.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

4109 b
P

,3.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

15) The progress of the 2 cases referred to in the Enclosure is very slow — Cannot the prosecution be entrusted to the Police Officers in the Police Thana?

by
30/1/33

A. S
DIG
1/2/33.

16) Thana instructions issued 6/2/33

17) In this office D.O. no. S.6095 dated 28th Jan'y 1933, the Distt. Magte has been requested to arrange for the speedy disposal of the cases

ISD 4/2 18) At the suggestion of the S.P. Nagpur he was informed on 5.12.32 that the Prosecuting Inspector may examine the key witnesses & that the P.S. may share the work on days on which he is not engaged elsewhere.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent rec

19) The Pros. Inspector may be allowed to go on with the Cases under the instructions of the Public Pros. & see that the Cases are not adjourned on account of the absence of the P. Ir on the work. The P. Ir will be directed to address arguments.

Second Member) 6/2/33

Secretariat Board of Council
6
No. 6405

20) Subd with a dft as instructed.
TSO 6/2

21) Draft as suggested personally put up to permit before issue.

Second Member) 6/2/33

7 FEB
4-50 P.M

22) [illegible] 6/2

RJ 7/2(33) 7/2

N B --Should routine notes be written on small slips, the notes must be pasted or slips pasted on this form.

To, The Dist Magte Mys.

No. P. 4357 dated 8th Feby 1933 enquiring whether further Conduct of the Case may not be entrusted to the Prosecuting Inspector.

Sun A 10/2/33.

4109-C

G.R.S. III—3]

Routine Notes.

To be used only for notes, requisitions, etc., not intended for permanent record

19) The Pros. Inspector may be allowed to go on with the cases under the instructions of the Public Pros. & the Mat. The cases are not adjourned on account of the absence of the P.P. & the work of the P.P. will be directed to address arguments

Second Member) G 6/2/33

Submitted with a file as instructed.
SO 6/2

21) Draft as suggested. Pressmark & put up to permit before use.

Second Member) G 6/2/33

T.G.S.

7. PE.
4—5 P.M.

22) G 6/2 Rej 7/2(33) G 7/2

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

To, The Dist. Magte Mys.

No. P. 4357 dated 8th Decr 1933 enquiring whether further Conduct of the Case may not be entrusted to the Prosecuting Inspector.

Sub A
10/2/33.

4109 P

,3.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

15) The progress of the 2 cases against the Enclosers is very slow — Cannot the prosecutor re-examine the Secy of the Home Dept & Insp by 30/1/33

U. S
new
1/2/33

16) Phone particulars 27/1/33

17) In this office D° o. no. P.4099 dated 28th Jan 1933, the Dist. Magte has been requested to arrange for the speedy disposal of the Cases.

ISD 2/2 18) At the suggestion of the DI Magte he was informed on 5.12.32 that the Prosecuting Inspector may examine the key important witnesses & that the P.P. may share the work on days on which he is not engaged elsewhere

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Mysore Dasara disturbance Cases.

8

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

3776

4312/32

No. 205/32-33.
Encl. one

OFFICE OF THE DEPUTY COMMISSIONER, MYSORE DISTRICT.

Dated, Mysore, 9th February 193 3.

Dear Sir,

With reference to your D.O. letter No.P.4099/ Law. 54-32-8 dated 28th January 1933 re the Mysore Dasara Disturbance cases on the file of the City Magistrate, Mysore. I send herewith for your information copy of letter No.718/32-33 dated 1st February 1933 received from the City Magistrate, Mysore. I have instructed the City Magistrate to bring the cases to disposal as quickly as possible.

Yours sincerely,

N. Madhava Rao, Esq., B.A.,B.L.,
Chief Secretary to the Government
of Mysore,
Bangalore.

Submitted for perusal.

(vs) Reply to this office letter dated 8th Feb 1933 may perhaps be awaited.

ISD.
13

NOTE—Contn. Sh

WD 0246 —GPB—15,000—22-8-32

Dacoity Case. 4583

9

Law File No. 54 of 1932 | General and Revenue Secretariat

Proper report received from the PPr. Mysore re: the above Case. Shows that no action is taken by the D.M. Mysore. as suggested in this office letter dated 9.2.33.

Dft R: put up for Consd?

ISD 27/2.

Issued no. P. 4714 dated 28.2.33.

Sec A 2/3/33

From,

The District Magistrate, Mys.

no G3.536/32 dated 1st March 1933

stating that the PPr Mys. is often called away by the Sessions Court and requesting that Mr. K.S. Krishna murthy Prosecuting Inspector may be deputed to Conduct the further prosecution, and the PPr may agree the Case for the prosecution as the end.

Ref: para 15-22 supra.

a) Conducting the further prosecution may be entrusted to Mr. K.S. Krishna murthy, Prosecuting Inspector attached to the City Magistrate's Court, Mysore as suggested in para 2 of the P.M.D.

Subs: vide a dft for Consd?

ISD 7/3

b) The Dist. Magistrate recommends that the Prosecuting Inspector Mr. Krishna murthy

Serial No.

may be deputed to conduct the further prosecution, after all the prosecn witnesses are ex^d in chief. He also wants the PPr himself to address arguments for the prosecn at the end.

2) The suggestion made in this office letter of 8th Febr 1933 was to entrust the further conduct of both the cases entirely to the Prosecuting Inspector. From the progress reports it is seen that from CC 113 (case of robbery & mischief) and CC 130 (a case agt 37 persons) stand posted to 8th March. In CC 113, there is only one witness to be ex^d while in CC 130 there are 4. It is most likely that all the witnesses would be ex^d tomorrow by the PPr and that the cases would close so far as the prosecn evidence is concerned.

2a) If therefore it is considered unnecessary that the PPr himself has to argue the cases on behalf of the Prosecution, there is no necessity to retain his services any further and the entire further conduct of both the Cases may be entrusted to the Prosecuting Inspector.

Submitted for orders —

2nd member) DRP 7-3-33

2) Proposal of the 1st member may be accepted

7/3/33 RG 8/3/33

2a) Off C.O. 7/3

Secd Member's Council. 7 7.2.97 No.....

NOTE—Contn. Sheet.

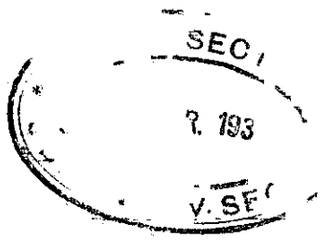
WD 0246 -GPB—15,000—22-8-32

File No. 54 of 193 2. | General and Revenue Secretariat

21) Subd with a dft G.O. for appl

KD 8/3

Issue
MM
8/3



To,

The D.M. Mysore

D. & L.

Phx. Mys.

Sub: G.O. no. P. 4057-89 Law 54-32-12 d 10.3.33 accepting the proposal of the D.M. to entrust the further Conduct of the Case to the Prosecuting Inspector Mysore.

Serial No.

Dasara Disturbance Cases.

C.C.113 of 1932-33 (Govt. Vs. A.N. Suryanarayana Rao and 3 others)

This is a case of robbery and mischief. 21 witnesses have been examined on behalf of the prosecution. The accused is now cross examining these witnesses. The case now stands posted to the 5th April and onwards for further Cross-examination.

No charge has yet been framed in the case.

C.C.130 of 31-32 (Govt. Vs. Suryanarayana Rao and 35 others.)

This is a case of rioting and being members of an unlawful assembly.

Out of 36 accused, 2 have not been traced and the case is proceeding against the 34 remaining. The Public Prosecutor says in his report of 15th March that 7 out of these 34 have not been identified by any of the prosecution witnesses.

About 59 witnesses have been examined on behalf of the prosecution. Three of them have now been recalled for further examination in the case which is posted to 3rd April for the purpose.

Submitted in person.
Instructed to put up a Off DO to Dist Magte.

(Chief Secy)

28/3/33

NOTE—Contn. Sheet.

WD 0246 -GPB—15,000—22-8-32

Dasara Disturbance cases.

13

478

-File No. 54 of 1932. | General and Revenue Secretariat

35) A draft D.O. letter to the Dist: magistrate is put up, as instructed.

Chief Secy) MP 28/3/33

Mee 28/3/33

Leader Member Devan ✓

MP 29/3

36) Mee 29/3/33

MP 29/3

37) M 29-3-33

38) Issue today

Mee 30/3/33

MP 30/3.

DEI 5604. 1933

28 MAR 1933

Secl. Sr 3 No. 1973.

TYPING SECTION 30 MAR. 1933 G.L. & REV.

To,

The D. M. Mysore

D.O. No. P. 5222 dt 30.3.33 inviting his views on the question of withdrawing the Cases so far as they relate to persons who took only a Casual or unimportant part in the disturbance.

Sec A 31/3/33

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Confidential.

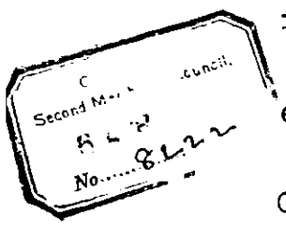
No. D.O. G3 536/32 5303
Encls 1

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT.

Dated, Mysore, 3rd April 1933.

Dear Mr. Madhava Rao,

With reference to your D.O. No. P. 5222 dated the 30th March 1933, calling for my views in the matter of withdrawing the case against accused persons, who took only a casual or unimportant part in the Dasara Disturbances, I enclose herein copy of my letter to the Inspector General of Police in the matter, for your information.



Yours sincerely,

39) I.G.P.'s report will be awaited for perusal. Thereafter

Seems Reasonable

5/4/33 6/4/33

7.4.33.

Sec A 7/4/33

NOTE—Contn. Sheet.

WD 0246 -GPB—15,000—22-8-32

15 Mysore Dasara disturbance Cases

Law File No. 54 of 1932. | General and Revenue Secretariat

From,

The D. S. of Police

D.O. No. C.C. 63/32-33 dated 1st April 1933 stating that it is reported that the prosecution has been practically concluded, and that it would be better to let the law take its course and allow the Magistrate to discharge such of the accused against whom there is insufficient evidence, instead of the charge being withdrawn by you.

4) Kind reference is invited to the Mysore District Magistrate's D.O. dated 3rd April 1933 addressed to the D. S. P.. He suggests that out of the 2 Cases (C.C. 113/32-33 — against Suryanarayana & 2 others, and C.C. 130/32-33 — against Suryanarayana & 350thers) launched, the evidence in the 1st case viz C.C. 113/32-33 is strong against all the 4 accused and therefore it should not be withdrawn.

5) As regards the 2nd case viz C.C. 130/32-33 He recommends the withdrawal against 15 of the accused as found in the list enclosed, on the ground that 13 out of them have played an unimportant part in the affair, and the remaining 2 are absconding.

The D. S. P. points out that the prosecution has been practically concluded and 7 of the accused persons are likely to be discharged; and therefore the matter should be allowed to take

Mysore Dasara disturbance Cases.

16

Serial No.

its own Course instead of withdrawing the Case against some of the accused at this Stage.

—Subs? for orders

~~Nos~~ 8, 10, 11, 12, 15, 17, 21, 25, 28, 29, 31, 32 and 34, as well as 9 & 16.

(i) In C.C. 113/32-33, a case against four persons for robbery and mischief, the District magistrate says that there is good evidence against all the accused and does not therefore recommend its withdrawal against any of them.

(ii) In C.C. 130/32-33, a case agt. 36 persons for rioting etc, the D.M recommends the charge to be withdrawn against 15 of the accused, on the ground that two of them, (9 & 16) are absconding, and that seven of them, viz (10, 15, 17, 21, 28, 32 & 34) have not been identified by any witness and that against six of the remaining (8, 11, 12, 25, 29 and 31) there is no evidence of their having taken any leading or important part in the riot.

(iii) The D.G.P is of opinion that the fact that two of the accused have so far successfully evaded the arrest is no reason to withdraw the charge against them. He also thinks it better to allow the law to take its Course against the other accused than to withdraw the charges on the ground of there being insufficient evidence to support the prosecution.

NOTE—Contn. Sheet.

17

5-33-P.

File No. of 193 . | General and Revenue Secretariat

46) If the Q.P's view is accepted, more delay would be caused than what is absolutely necessary for the disposal of the case-

Submitted for orders

Chief Secy)

mm 8/4

This case now stands posted to 17th April for cross exn of PWS.

mm 8/4

47) As soon the Prosecution evidence is about to close, there is not perhaps much use at this stage of withdrawing the charge on the ground of insufficient evidence against some of the accused. They will naturally be discharged by the Magistrate himself.

48) The District Magistrate was asked to distinguish the cases of persons who took an active part in the disturbance & those who did not - But he has proceeded to make recommendations based mainly on the amount of evidence available against the several persons.

Seen Meenley
Dewan

mm 8/4/33

DEWAN'S OFFICE
5040
11. APR. 1933

mm 10/4/33

49) A.9 apr

mm 10/4

Secretariat Member of Council.
10 APR. 1933
No. 838

10/4/33

11-4-33

mm 10/4/33.

General and Revenue Secretariat | Law File No. 54 of 1932. | [App. F. III—2

Serial No.

a) A draft D.O. reply to the Q.P is put up for consideration
Gen Secy) MP. 12/4

b) approved
RR
13/4/33.

Issue MP 13/4

To,

D. S.

D o. no. P. 5381 dated 13.4.33 informing that Govt. agree that there is not much use in withdrawing the Case at present
Copy to the D.M. Mysore.

Sir,

The P.P. Mysore
no. 708 dated 15th April 1933 stating that the Cross Exam^n of P.W. 2, in C.C. 113/32-33 was over, and the X Exam^n of the remaining witness could not be taken up as the records had to be submitted to the D.M. in connection with the Rev. Pet^n filed by him for the magistrate to frame Charge as soon as the Exam^n in Chief was over.

2) C. C. 113/32-33 is a Case under sections 392-427 I.P.C. (robbery and mischief). Therefore the Procedure

Dasara disturbance Cases

Govt File No. 54 of 1932 — General and Revenue Secretariat

prescribed in warrant Cases is to be followed. Framing of Charge is necessary before allowing the accused to cross examine the prosecution witness

Copy of the "app" filed by the PPr under sec 435 cr. P.C. & Sub d for perusal

ISD 17/4

52) No instructions were issued to the PPr to move for a reference in the matter to the High Ct - Such a reference is likely to cause further delay, which Govt desire to avoid as far as possible.

A draft reply to the PPr is put up.

(Perused) MNP 18/4

52) may be approved

H Deputy Secy 18th 1874.

Secy 19th 19.4.

Secy MNP 19/4

To,

The PPr. Mysore.

No. P. 5445 dated 20.4.33 enquiring under whose instructions he moved in the matter and pointing out that Govt desire to avoid the delay as far as possible.

Copy to the D.M. Mysore.

Sec'n Council. No. 9333

TYPING SECTION 19 APR. 1933 GENL & REV SEC

Sec B 21/4/33

General and Revenue Secretariat | Law File No. 51 of 1932.- | [App. F. III—2

Serial No.

From.

The PPr. Mysore.

No. 745. dated 23.4.32 - forwarding for perusal the Correspondence leading to the filing of revision petition, and stating that the responsibility for filing the petition was his own, and regretting for his omission to obtain the sanction of Govt before taking action.

(55) Refs paras 53-54 Supra.

The Dist. Magte in his order on the Revision petition has observed that the Contention of the PPr. is Correct according to Law.

Submitted for perusal.

ISD 26/4 NSK

(56) The PPr regrets having filed this revn pet^n without seeking instructions of Govt in the matter. The revn petition has however been disposed of by the Dt magte without making any reference to the High Court.

Submitted for perusal

Ensey) BNP 26/4

The SJ-

BNS.

GENERAL SECRETARIAT
27 APR. 1932
No.

NOTE—Contd. Sheet.

WD 0246 -GPB—15,000—22-8-32

Mysore Disturbance Cases 21

Serial No.

Public Prosecutor's report no. 759 dated 30th April regarding progress made in C.C. 113 of 32 33, a case of robbery etc against A N. Surayanarayana Rao & 3 others.

Public Prosecutor's report no 760 dated 30th April regarding progress made in CC 130 of 32 33 a case of rioting against 34 persons –

57) In C.C 130 of 32-33, the City Magistrate has framed charges against 27 of the accused and discharged 7. The details of the charge are mentained in the P.P.'s report. The case is posted for trial to 12th May 1933 when the accused will begin the Cross examination of the prosecution witnesses. There are nearly 60 of them and it is desirable that to ensure speedy disposal of the case, it is taken up from day to day.

58) In C.C. 113 of 3.2.33, it is reported that further Cross examination of prosecution witnesses is still going on, though no charge as yet has been framed. In the absence of specific charges, the Cross examination is being conducted at great length.

59) It may perhaps facilitate a quicker disposal of these cases if the

NOTE—Contn. Sheet.

WD 0246 --GPB—15,000—22-8-32

22 Mysore Disturbance Cases 5676

File No. of 193 | General and Revenue Secretariat

City magistrate trying them has no other work to attend to. If approved, the District magistrate will be consulted in the matter.

First member) DRP 2/5/33

Yes by 2/5/33

60 A draft is put up for approval

Gen Secy) DRP 3/5/33

I Henry 3/5

DRP 3/5

by 4/5/33

4/5

Issue Rodas

DRP 4/5

To,

The Dist Magte Mys.

No. P. 5805 dt 4.5.33 enquiring whether it would facilitate a quicker disposal if the City Magte is relieved of other work and asked to confine his attention to these cases.

Sec A to be placed in the main file 5/5/33

FIRST MEMBER OF COUNCIL 2 MAY 1933 No. 9151.

GENERAL SECRETARY 3 - MAY 1933 No.

OFFICE OF THE FIRST MEMBER OF COUNCIL 3 MAY 1933 No. 9168

TYPING SECTION GENL. & REV 4. MAY 1933

Mysore Dasara disturbance Cases 23

General and Revenue Secretariat | File No. of 193 . [App. F. III—2

CONFIDENTIAL.

D. O. No. G3. 536/32 COVER EN OF 5791

C. S. KUPPUSWAMIENGAR, Esq.,
Deputy Commissioner.

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT.

Mysore, dated 6th May 193 3.

Dear Sir,

Adverting to your letter No. P. 5805 dated the 4th May 1933 relating to the Mysore Disturbances cases, I write to state that it would certainly facilitate expeditious disposal of the cases if Mr. Subbarayappa is relieved of other work. Even if that is done, it will not be possible to dispose of the cases before the ensuing Birthday of His Highness as a large number of prosecution witnesses have to be ~~cross~~ cross-examined by the Advocates appearing for the accused and as it is likely that the accused would site a number of defence witnesses. Under the circumstance, I think the question of appointing Mr. Subbarayappa as Special Magistrate for the trial of these two cases may lie over for the present. After the Birthday festivities are over, I shall address Government in the matter. I understand that the accused in C.C. No. 130 in which charges have been framed have gone in revision to the High Court.

GENERAL SECTION (61) 8 MAY 1933 No.

DEM 6533 10 MAY 1933

OFFICE OF THE FIRST MEMBER OF COUNCIL 8 MAY 1933 No. 9314

Further Communication from the D.M. may perhaps be awaited.

62 Put up for perusal of the Secretary in reference to paras 4 & 5 supra

8/5/33 (First Member)

63 Seen. These papers may be submitted to the Dewan for perusal

8/5/33

Dewan

9/5/33

Sir C. These may be kept in the main file.

11/5/33

NOTE—Contn. Sheet.

WD 0246 —GPB—15,000—22-8-32

11/5/33 10/5/33 10/5/33

24 Dasara Disturbances Cases.

(P 77

Law File No. 54 of 1932. | General and Revenue Secretariat

Sir,

Re PR Mysore
no. 80 2 dated 11th May 1932 forwarding the Revision petition filed by K.S. Ramachar under sections 435 and 436 Cr.P.C

(65) Submitted for perusal
I Member (Sd) Rej 15/5.
(Sd) K.M. 15/5
(Sd) H.V.P 17/5.

From
The PR. Mysore
Memo. dated 17.5.32 submitting a Copy of the order of the Dist. Mgte passed on the Revision petn

(66) The Rev. Petn filed by K.S. Ramachar praying to quash the Charge framed and to remand the Case for Cross Examn before Charge, is dismissed by the Dist. Mgte.
Submitted for perusal.
ISD 19/5

(67) One of the accused in the Mysore Rioting case. (CC 130 of 32-33) had filed a Revn before the Dt Mgte, against the Charges framed. The petition has been rejected by the D.M. Submitted for perusal
First Member)
ISD 19/5

(68) Seen 19/5 HRa 22/5
ISD 22/5

OFFICE OF THE FIRST ME
19 MAY 1933
No. 9866

24 Dasara Disturbance Cases

for D 33

Law File No. 54 of 1932. | General and Revenue Secretariat

Sir,

Re PBr. Mysore no. 802 dated 11th May 1932 forwarding the Revision petition filed by K.S. Ramaseshan under sections 435 and 436 Cr.P.C.

65) ~~Submitted~~ for perusal

1 Member (Sd) REJ 15/5.

(Sd) K.M. 15/5

(Sd) H.V.M 17/5.

Sir

Re PBr. Mysore

Memo. dated 17.5.32 submitting a Copy of the order of the Dist. Magte passed on the Revision petn

66) The Rev. Petn filed by K.S. Ramaseshan praying to quash the Charge framed and to remand the Case for Cross Examn before Charge, is dismissed by the Dist. Magte.

~~Submitted~~ for perusal.

ISD 19/5

67) One of the accused in the Mysore Rioting Case (CC 130 of 32-33) had filed a Revn before the Dt Magte, against the Charges framed. The petition has been rejected by the D.M. Submitted for perusal

First Member)

ISD 19/5

68) Seen 19/5 HRa 22/5

ISD 22/5

OFFICE OF THE FIRST ME 19 MAY 1933 No. 9866

General and Revenue Secretariat

File No. 6035 of 193

Serial No.

69) In cc 130 of 32-33, the 2nd accused Ramanathuder had filed a revn petn before the High Court for quashing the charges framed. This was rejected by the High Ct on 25th. The case is now adjd to Cross exn of PWs to the 2nd.

70) The other case cc 113 is for hearing tomorrow the 4th. Some 4 PWs are still to be cross examined.

For perusal
Gen Secy)

DMP
3/8/33

GENERAL SECRETARY
3- AUG. 1933
No.

By reports dated 6.8.33.
C.C. 130 is posted to 11.8.33
C. 113 stands posted to 7.8.33

71) Instructed by the Chief Secy to submit a short note re: the progress made in these two cases so far.

DMP
9/8.

72) Kind reference is invited to paras 32 and 33 supra where the nature of these two cases and the progress made till april 1933 have been noted upon.

73) The question of withdrawing the prosecution against some of the accused in C.C. 130 of 32-33 was then considered, but was given up, as the prosecution evidence in the case was almost closed - Vide our Madhava Rao's note, paras 47 & 48 above. Charges were framed in this case by the City magistrate against 27 accused & he posted the case for trial in may 1933. The 2nd accused,

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

one Ramaseshu have moved the High Court in Revision to quash the charge. As the records were called for by the High Court, no progress could be made in this case, till the High Ct disposed of the Revn petn by dismissing it on 25th July. The case was thereafter posted to 2nd august, but it is now reported by the PPr that the 7th accused (Vishakantia.) prayed for an adjournment under Sec 526 Cl (8) Cr.P.C, as he wanted to move the Dt. Magte for a transfer of the Case. The City Magte had therefore no option but to grant an adjt & he has now posted the case to 11-8-33.

2) In the other case C.C. 113 of 32-33, charges have been framed against all the 4 accused on the 13th June 1933. They went in revision to the Sessions Judge to make a reference to the High Court to quash the charges framed. The Sessions Judge rejected this petition. By 4th August 1933, all the prosecution witnesses, seven in number, had been cross examined by the accused and only 4 remained for further Cross Exn. The latest report of the PPr shows that the case was posted to 7th august for this purpose. This case is likely to be closed soon, unless the defence protract the trial by citing

Dasara. Disturbance Cases 27

General and Revenue Secretariat | File No. 60. of 1933. 6

Serial No.

a large number of witnesses or by other means.

7½) In para 59 supra, it was suggested that it might perhaps facilitate a quicker disposal of these cases, if the city Magistrate trying them could be placed in sole charge of them. The Dt Magte on being addressed in the matter replied that the question of appointing Mr Subbarayappa as Special Magistrate for the trial of these two cases may be over till the Birthday festivities were over and he promised to address Govt further in the matter. No proposals have till now been received.

Submitted for perusal and orders.

Gen Secy)

Chief Secy)

DNP 9.8.33

9.8

7½) These cases have been going on for about 10 months. They began last Dasara and at the present rate of progress, I see no prospect of their being concluded in the near future. I think it is very desirable that they should be finished before the next Dasara. The Dt Magte may be ordered to address in the matter.

RR 9/8/33

Dewan

7½) Yes. The Dt Magte may be asked me to arrange for the early disposal of these cases and to report what action he has taken with that object.

9/8

RR 10/8

DEPUTY SECRETARY 10. AUG. 1933

GENERAL SECRETARY 9 AUG. 1933 No.

(c) No R. could be issued to the Dt Magte, since the matter in the High Ct was pending till 25/7/33.

MP 9.8

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-3-31

79) A draft DO letter to the Dt Magte is put up for approval

Gen Secy) DRP 11/8

I Member Ldm 11-8

DRP 11/8

80) Ku 11/8/33

Ldm 12/8

81) Issue today

DRP 12/8/33

To,

The D.M. Mysore

D.O. no. G. 753 dt 12.8.33 requesting to arrange for the early disposal of the 2 cases and to report the action taken in the matter.

82) Submitted for perusal

Chief Secy) DRP 14/8

83) Secn. Thanks

KR 14/8

DRP 14/8

Secy 15/8/33

GENERAL SECTION
11 AUG. 1933
No.

OFFICE OF THE
FIRST A
11 AUG 1933
1271

Mysore Dasara disturbance Case

General and Revenue Secretariat | Law File No. 54 of 1932 | [App. F. III—2

Serial No.

From,

The Dt. Magte Mys.

D.O. no. 83-536/32 dated 16.8.33 forwarding a copy of the letter received from the Committing Magistrate, Mys. and stating that the Magte is trying his best to bring the Case to quick disposal but is being thwarted in his attempts by the obstructive tactics adopted by the accused, and that further instructions are given to proceed with the Case expeditiously from today and that some of the other Cases have been transferred from his file with a view to enable him to devote his Continuous attention to the disposal of these Cases.

8(a) Submitted for perusal with reference to para 78 supra.

15D 18/8 85) The Dt Magte's letter (P.D.D) is for perusal

In CC 130, the accused Vishwanatha, applied to the Dt Magte for transfer. This was dismissed He now wants to go to the High Ct & the City Magte had therefore to adjourn the Case from the 11th to 18th August.

CC 113 was for hearing on 16th & is going on from day today —

Gen Sec'y)
Chief Sec'y)

DDP 18/8

RB 23/8/33

Ltee 22/8

DDP 23/8

Dewan,

Mucl 24 S 77 DDP 25/8

DDP 25/8/33

Pbr's Pr. report d. 11.8.33 Passed

C.C. 130/32-33 — 18.8.33

C.C. 113/32-33 — 16.8.33

GENERAL SECRETARIAT 18 AUG. 1933

DEWAN'S OFFICE 1495 23 AUG. 1933

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

30 10½ 57½ L.D.

File No. of 193 General and Revenue Secretariat

(a) Submitted for perusal of the letter of the Dt mgte Mysore (PUD) First Member)

DMP 25/8

for 27/8/33

DMP 28/8/33

From,

The Pr. Shimoga

Letter no. 316 d 315 d 26.8.33 reporting that C.C. numbers have been adjourned to 28.8.33 and C.C. 130/3311 to 30.8.33.

(b) Subm for perusal

ISD 29/8.

DMP 29/8

Sus C 30/8/33

From,

Messrs Thagadaraja & others

Petition dated 13.9.33 praying for withdrawal of criminal case against them in C.C. 130/32-33, on the file of the City Magistrate, Mysore.

(c) "Ch. Sec^y with Compliments. I shall speak to you in person. To consult D.S.P. where any withdrawal may be thought of in the case of those who are not my leaders."

(d) SPR 13/9

(e) Dft to D.S.P & Dt. Mgte

(f) RR 13/9

OFFICE OF THE FIRST ASSISTANT TO THE SECRETARY OF COUNCIL 26 AUG 1933 No. 1577

Mysore Dasara disturbances Cases

31

General and Revenue Secretariat — File No. — of 1932 — [App. F. III—2

Serial No.

90) Submitted with a dft to the D.M. Mysore
ISD 13/9
(Chief Secretary) 14/9/33

91) Issue after perusal by the General Secy and submit to the First Member
13/9/33

13/9/33

92) Issued
13/9/33

To,

The Dt. Magte Mys.

D.O. no. P. 1282 dt 13.9.33 forwarding a copy of the petition and requesting to Consider in Consultation with the S.S.P. whether any withdrawal of the Case against some of the petitioners may be thought of. — Copy to S.S.P.

93) Submitted for perusal after issue
ISD 14/9
(First Member) 14/9/33

16/9/33

16/9

16/9

16/9

C.C. 130/1933 is returned to have been posted to 13.9.33.

TYPING SECTION 13. SEP. 1933 GENL. & REV. SECT.

OFFICE OF THE FIRST MEMBER OF COUNCIL 15 SEPT. 1933 No. 2243

WD 70—GBPM—60,000—13-8-31.

Cyclone Disturbances Case,

32

Law File No. 54 of 193 2-3 | General and Revenue Secretariat

From,

The D.M. Mysore

D.O. no: S.3.536/32 dated 21.9.33 stating that he consulted the D.G.P. in the matter, who opines that though the Case may be Comparitively weak in respect of five of the accused (4,8,11,31,33) the fact that the Court has framed Charge against them will show that a prima facie Case has been made out and that in the absence of any pertinent reason for the withdrawal of the Charge, he does not Consider that step to be Justified or polite, and that he agrees with him and it is not desirable to order withdrawal

Submitted for orders with reference to para 88-91 Supra.

LSD 22/9

23 out of the 27 accused in C.C.130 of 32-33 (rioting case), moved the Govt to withdraw the Case against them, after accepting the expression of their deep regrets in the petition

The Dt Mgte who was requested to report after consulting the D.G.P, says that since a charge has been framed against all the 27, he does not consider it desirable

General and Revenue Secretariat | File No. of 193

Serial No.

DEWAN'S OFFICE 2163 26 SEP. 1933

to withdraw the case at this stage, even as against some of the accused. The I.G.P appears to be also of the same opinion

In his letter the D.I. says that the case against five of the accused (A 4, 8, 11, 31 and 33) is ~~not~~ comparatively less Out of these A 11, 31 & 33 are not among the petitioners asking for a withdrawal

Submitted for orders.

(Gen Secy)

Chief Secy)

(Students Dewan.

Secy RR 26/9/33

BNP 22/9/33. Hon 22/9

BNP 25/9

Received now BNP 1 Pm 25/9/33

OFFICE OF THE FIRST MEMBER OF COUNCIL 26 SEPT. 1933 No. 1599

I agree with the I.G.P & the D.I. Inspr. The cases having reached this present stage, after continued obstructive tactics adopted by the accused, it is desirable that they should be proceeded to the stage of judgment. (There would be nothing to prevent the exercise of clemency, if necessary, after conviction)

BN 26/9/33

RR 26/9

Dewan

BN 28-9-33

RR 28/9/33

NOTE—Contn. Sheet.

34

1633

File No. | of 193 | General and Revenue Secretariat

Submitted for perusal and orders whether an endorsement to the petitioners is necessary

Gen Secy) 30/9/33
II Member)

1/10

2/10

3/10

4 3/10

D.O.
A draft reply to the Dewan Mysore is herewith put up for consideration & approval.

Gen Secy) 4/10/33

5/10

Issue for 7.10.33

To,

The D.M. Mysore

D.O. No. P. 1578 d 7.10.33 informing that Govt agree that it is not desirable to order its withdrawal now.

GENERAL SECTION
1 - OCT. 1933
No.

Office of the Second Member of Council.
3 OCT. 1933
No. 15441

GENERAL SECTION
5 OCT. 1933
No.

TYPING
GENERAL SECTION

Sec 9/10/33

TYPING SECTION
14. OCT. 1933
GEN'L & REV SECT.

2030

35

General and Revenue Secretariat | Law File No. 54 of 1932. | [App. F. III—2

Serial No.

From,

Mr. M. Venkatakrishnaiya, Mysore

Petition dated 22.9.33 praying for the withdrawal of the Mysore Dasara disturbance Case.

In view of the orders already passed on similar petitions, no action seems to be necessary.

Subd for orders.

GENERAL SECRETARY 21 OCT 1933 No

Gen Secy)

Submitted for perusal. No action is thought necessary

II Member)

24/12

24/10

Mysore: Dasara disturbance cases.

5332
5332a

Law File No. 54 of 1932

General and Revenue Secretariat

From,

The PAr. Mysore

No. 2 dd. dated 31st March 1934 stating the judgment was delivered in the Mysore disturbance cases as per details noted. The details of the Convictions are noted on the overleaf of the P.U.D. In C.C. 113/32-33 except the 4th accused the rest 3 are Convicted and sentenced to undergo 3 yrs R.I. and to pay a fine of Rs 100/- each in default to undergo 3 months R.I.

C.C. 130 & 113/32-33 on the file of the City Magrs Mys

Dft calling for a copy of the Judgt & fine up.

Submitted for perusal.

ISD
3/4/34

Copies of the Judgt in both the cases have been received from the Dt Magte & submitted to the members of C & the Dewan for perusal.

DDG
3/4

Dlle
4/4/34

Cr3-536/32-33 Pt

No.
Encl.

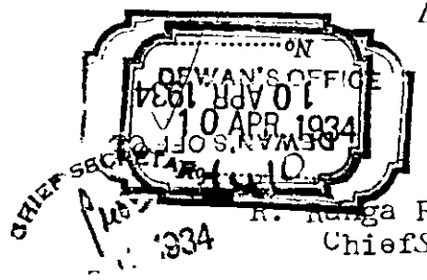
5326/33

OFFICE OF THE DISTRICT MAGISTRATE,
MYSORE DISTRICT,

Dated, Mysore...31st March.....193 4.

From

C.S. Kuppuswamiengar, Esq.,
District Magistrate.
Mysore District, Mysore.



To

R. Ranga Rao, Esq., B.A.,B.L.,
Chief *Secretary to the Government of Mysore,*
Bangalore.

SIR,

I have the honor to forward herewith for favour of information copies of the judgments delivered today in the Dasara Disturbance Cases (C.C.No.113/32-33 and C.C.No.130/32-33)on the file of the City Magistrate of Mysore.

I have the honor to be,

Sir,

Your most obedient servant,

District Magistrate,
Mysore District.

RG 2/4/34

N. Submitted for perusal

II member
I member
Dewan
Thro' Gen Secy

RG 2/4/34

6.4.34 3/4

3.4.34 3/4

8-4-36

9/4/34

OFFICE C... FIRST ... 6 APR 1934 ... 7 9.16...

Dewan. 12/4/34 C.M. 9.4.34 11.4.34

3091/p832

No. G3. 536/32-33.
Encl. One

OFFICE OF THE DISTRICT MAGISTRATE,
MYSORE DISTRICT,

Dated, Mysore 30th November *1932*.

Law 54-32-4

From

C.S. Kuppuswamiengar, Esq.,
District Magistrate.
Mysore District, Mysore.

CHIEF SECRETARY 1 CAB 2 DEC. 1932

To

R. Ranga Rao, Esq., B.A.,B.L.,
Chief *Secretary to the Government of Mysore,*
Bangalore.

Urgent

RG 2/12

SIR,

In inviting kind reference to Government Order No.P. 2312-14/Law.54-32-2 dated 24th October 1932 according sanction for engaging the services of the Public Prosecutor, Mysore, to conduct the prosecution on behalf of Government in the two cases that have been lodged in the Court of the City Magistrate, Mysore, as a result of the disturbances that took place on the 9th October 1932 near the Jubilee Clock Tower, Mysore City, I have the honor to state as follows:-

Of the aforesaid two cases, C.C.No.113 of 32-33 is a case of robbery and mischief against four accused persons. Out of the 16 witnesses cited, twelve have been examined and the rest will have to be examined on the 5th December 1932 to which date the case stands posted. In C.C. No. 133/32-33 there are 36 accused persons and as many as 80 witnesses have been cited for prosecution. The Public Prosecutor in his letter No.331 dated 18th November 1932 states that he has on hand at present four Sessions Cases of which two are to be conducted at Hassan and two at Mysore, that some more committals are expected early next month in both the Districts, that these cases will keep him engaged in the months of December and January next,

and

and that he has got to finish the two oldest cases on the file of the City Magistrate, Mysore, viz., C.C.539/26-27 (Mysore Taluk Treasury Case) and C.C. No.160/29-30 (Mysore Agricultural Dairy Farm Case). In the above circumstances, the Public Prosecutor proposes to delegate the duty of prosecuting the Dasara Disturbance cases to the Prosecuting Inspector attached to the City Magistrate's Court, Mysore.

Under the circumstances, it seems to me that the Prosecuting Inspector of the City Magistrate's Court, Mysore, may be permitted to examine the less important witnesses. The Public Prosecutor will also appear before the City Magistrate's Court, Mysore, on all the days of hearing on which he is not actively engaged elsewhere and share the work with the Prosecuting Inspector.

A copy of letter No.331 dated 18th November 1932 from the Public Prosecutor, Mysore, is sent herewith for information.

I have the honor to be,

Sir,

Your most obedient servant,

District Magistrate,

Mysore District.

A.N.

D.O. letter No.331 dated 18th November 1932, from the Public Prosecutor, Mysore Division, Mysore, to the District Magistrate, Mysore District.

I beg to state that pursuant to G.O.No.P.2312-14/ Law. 54-32-2 dated 24th October 1932 my services have been engaged for conducting the Dasara Disturbance cases (C.C.Nos.113 of 32-33 and 133 of 32-33) on the file of the City Magistrate, Mysore. It is nearly three weeks since the charge sheets were placed in the aforesaid cases. C.C.No.113 of 32-33 is a case of robbery and mischief against four accused persons. Out of the sixteen witnesses cited twelve witnesses have been examined and the rest will be examined on the 5th proximo. At the request of the defence advocates the learned Magistrate has allowed the accused to reserve cross-examination..

In C.C.No.133 of 32-33 there are 36 accused persons and as many as 80 witnesses for the prosecution. The case will begin on the 5th proximo.

Both the cases must be proceeded with from day to day and finished as soon as possible. Apart from their special importance the one feature of the cases to be kept in view is the peculiar nature of the evidence on which we must rely for the success of the prosecution. The evidence is entirely oral, and the impressions left on the mind of the witnesses on the night of the occurrence amidst huge crowds of spectators must necessarily fade away by lapse of time. Even the best of witnesses require 'refreshing of memory' before they are asked to step into the box.

I have on hand at present 4 Sessions trials to go through at Hassan and two cases are already posted here. Some more commitments are expected to be made early next month in both the Districts. The month of December and January will keep me fully engaged. Added to this, I have

4

I have got to finish the two oldest cases on the file of the City Magistrate viz., C.C.539 of 26-27 (Taluk Treasury Case) and C.C.No.160 of 29-30 (Mysore Agricultural Dairy Farm Case).

In these circumstances I feel obliged to apply for permission to delegate the duty of prosecuting the Dasara Disturbance cases to Mr. Krishna Murthy, the in-coming Prosecuting Inspector attached to the City Magistrate's Court. Mr. Krishna Murthy is a law graduate and he will conduct the cases with as much care and attention as any other prosecutor. On all the hearing days on which I am not actively engaged elsewhere I shall myself appear before the City Magistrate and share the work with Mr.Krishna Murthy.

I am therefore to request you to consider the above proposal and obtain the sanction of the Government in case you approve of its propriety and reasonableness.

---oOo---

"Copy"

District Magistrate,
Mysore District.

Appendix F G—1]

SUBJECT .....

.....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 5th December 1932

No. P 3127 / Law 54-32-5

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The District Magistrate,
Mysore.

Sir, With reference to your letter No. C.3. 536 of 1932-33 dated 30th November 1932 re the further conduct of the marginally noted Mysore Dasara Disturbance cases on the file of the City Magistrate, Mysore, I am directed to state that in the circumstances pointed out Government agree to the arrangement proposed. The Public Prosecutor, Mysore may be requested to extend his co-operation as far as possible and address arguments after the Prosecution is closed.

C.C. 132/32-33
C.C. 133/32-33.

I have the honor to be,
Sir,
Your most obedient servant,

(Sd) H. V. Ramaswami
General Secretary to Government.

Memo No P-3128 dt 5-12-32
Copy of the above is forwarded to the PBr. Mysore for information

C.R.G.3

for General Secretary.

requested to extend his Co-op
far as possible and address
after the Prosecution is closed

Copied by .....

Examined by .....

WD 71—GBPM—40,000—20-7-31

No P.3128 dt 5/12 for Gen
Copy to the PBr. Mys

Appendix F G—1]

7

SUBJECT .....

.....

.....

Section Law

File No. 57-32.

Serial No. 6

Diary No. of letter replied to ..... D.O No. P-3296

To

General and Revenue Secretariat

( )

the *193* .

Date of issue 14/12/32

Signed by H.V. Ramaswamy

Dear Mr. Kuppa Swamy Iyengar.

I am desired to give reference to this office letter no. P. 3127 dated Dec 1932 re: the recent Mysore Dasara Disturbance Cases C.C. Nos 113 and 130 of 32-33 on the file of the City Magistrate Mysore & to say that I am directed to request you to arrange for the speedy disposal of the said cases.

Yours Sincerely

C.C.

List of enclosures .....

To,

Copied by .....

C. S. Kuppa Swamy Iyengar, Esq B.A.,
Dist. Magte, Mysore.

Examined by .....

WD 71—GBPM—40,000—20-7-31.

8

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 54-32

Serial No. 8

Diary No. of letter replied to .....D.O

No. P-4099

To

General and Revenue Secretariat

( )

the *193*

Date of issue 28/1/33

Signed by Mr. K. Madhavan

Dear Mr. Kuppuswami Iyengar

In inviting reference to this office D.O. no. P. 3296 dated 14th Dec 1932, addressed by Mr. H. V. Ramaswami, re: the Mysore Dasara disturbance cases C.C. nos 113 and 130 of 32-33 on the file of the City Magistrate Mysore, I am desired to state it would look from that the Progress reports received from the Public Prosecutor Mysore appear as if the Cases are being dragged on, as said.

I am therefore to request you to see that the said Cases are disposed of very early

Yours Sincerely

List of enclosures.....

Copied by.....
28/1/33

Examined by.....

WD 0253—GPB—15,000—26-8-32

To. C.S. Kuppuswamy Iyengar Esq Bar,
Dist Magte Mysore

ISD 3/11

9

28th January 1933

Dear Mr.Kuppuswami Iyengar,

In inviting reference to this office D. O. No. P. 3296 dated 14th December 1932, addressed by Mr. H. V. Ramaswami, regarding the Mysore Dasara disturbance cases C. C. Nos.113 and 130 of 32-33 on the file of the City Magistrate, Mysore, I am desired to state that it would look from the Progress reports received from the Public Prosecutor Mysore as if the cases are being dropped on account.

I am therefore to request you to see that the said cases are disposed of very early.

Yours sincerely,

To

C. S. Kuppuswamy Iyengar Esq.,
District Magistrate, Mysore District.

12

summons were issued. Fresh summons were issued to them and the case was posted to 24-1-33.

15) 24-1-33 Six witnesses were examined in chief by the Prosecuting Inspector.

16) 25-1-33. Four witnesses were present and examined by the Prosecuting Inspector. Case was posted to 8th and 9th February.

=====

Criminal Case No. 113/32-33. 13.

Government Vs. 1) Suryanarayana Rao,
2) Ramasethu,
3) Krishna
4) Gopala Setty.

Sections 392 and 420 I.P.C.

Date of offence: 9-10-1932.

Date of submission of the charge-sheet to the court: 14-10-1932.

---

1) 14-10-32 Charge-sheet submitted. Two accused who moved for bail were released on their furnishing a surety for Rs 500/- each and executing a bond for the same amount. Posted to 29th.

2) 29-10-32 Accused present with their counsels. Also the Public prosecutor, who represents that he is in the middle of a Sessions Case and cannot go on with this case today. Adjourned to 2nd and 3rd November.

3) 2-11-32 Two witnesses were present. One of them was examined in part. As it was late in the day, adjourned to tomorrow.

4) 3-11-32 Messers Rangaramaih and Seshadri who represent the accused suggested the Chief Examination of PWs may be finished first before taking up the cross examination. The Public prosecutor opposed. The prayer of the defence counsel is granted in the interests of the accused. One witness examined in Chief. Adjourned to tomorrow.

5) 4-11-32 Accused present with three witnesses. They were examined in chief. Adjourned to 17th & 18th.

6) 17-11-32 Two witnesses present and examined . The Muslim witnesses absent due to some fetst. Adjourned to tomorrow.

7) 18-11-32 Seven witnesses were present and examined in chief. Adjourned to 5th December. Public prosecutor present.

8) 5-12-32 None of the witnesses present except Ramu. Public prosecutor present and represents that he has made a reference to the District Magistrate for permission to have the case conducted by the Prosecuting Inspector. Adjourned to 14th instant.

9) 14-12-32 One witness present and examined in chief. Fresh summons to the other witnesses. Adjourned to the 23rd instant

10) 23-12-32 Two witnesses present and examined in chief. Inspector Mr. Puttanna absent though served. This is bad. Posted to 10th January.

11) 10-1-33 The Public Prosecutor is absent. He sends words to say that he is engaged in the sessions and cannot come. So the case cannot go on. Adjourned to 26th. Inspector Mr. Puttanna present and warned.

12) 26-1-33 Two witnesses were present and examined in chief. Summons to issue to absent witnesses. Adjourned to 11th February.

15

No P. 4357
Law 54-32-9

8th February 1933.

The

The District Magistrate,

Mysore District.

Criminal Case No. 130/32-33.
Government of Mysore Vs. Suryanarayana Rao & 35 others.
Criminal Case.No.113/32-33.
Government Vs. Suryanarayana Rao and others.

I am directed to invite reference to this office letter No.P. 3127 dated 5th December 1932 re. the further conduct of the marginally noted Mysore Dasara disturbance cases on the file of the City Magistrate Mysore, and to enquire whether the arrangement proposed in para 3 of your letter No.G.3.536/32-33 dated 30th Novembe 1932 to permit the Prosecuting Inspector to examine the less important witnesses has not tended to protract the trial as the cases very frequently stand adjourned for want of Public Prosecutors appearance

I am also to enquire whether it is not possible to entrust the further conduct of the cases entirely to the Prosecuting Inspector attached to the City Magistrate's Court, Mysore, and whether it is necessary for the Public Prosecutor to be in charge of the conduct of the cases. The Public Prosecutor, in his letter No. 331 dated 10th November 1932 addressed to you, has stated that the Prosecuting Inspector Mr.Krishnamurti is as capable of conducting the case as well as any other Prosecutors.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

TD.2.

16

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 54-32

Serial No. 9

Diary No. of letter replied to .....

No. 9-4357-

To The District Magistrate, Mys.

Sir,

General and Revenue Secretariat

( )

the .193 .

Date of issue 9/2/33

Signed by

I am directed to invite reference to this office letter no. P. 3197 dated 5th Dec 1932 re: the further Conduct of the magisterially noted Mysore Dasara disturbance Case on the file of the City Magistrate Mysore and to enquire whether the arrangement proposed in para 3 of your letter no. G.S. 536/32-33 dated 30th Nov 1932 to permitting the Prosecting Inspector to examine the less important witnesses only not protract the trial as the Pvt. Mgs. Cases are very frequently stand adjourned for want of PW's

List of enclosures.....

Copied by

Examined by.....

17

appearance.

I am also to enquire whether it is not possible to entrust the further Conduct of the Case entirely to the Prosecuting Inspector attached to the City Magistrate's Court Mysore, & whether it is necessary ~~directing Lawyer the Pr. Mysore to address the arguments at the end of the trial~~ to the public prosecutor to be in charge of the Conduct of the Case.

Mem. No. & letter No. 331 of 18.11-32 addressed to the Law Standing Counsel that the Public Prosecutor Krishnamurthi is capable enough to take care of such cases as the present.

If the arrangement suggested is convenient for the speedy disposal of the Case, necessary action may kindly be taken to issue the instructions accordingly.

Further action taken may kindly be intimated for information of Govt.

I have etc

for Secy

SSD 6/-

Letter No.718/32-33 dated 1st February 1933, from the City Magistrate, Mysore, to the District Magistrate, Mysore.

In reply to your confidential D.O. letter No.Gl.1033/32-33 dated the 30th January 1933 regarding the disposal of the Dasara Disturbance cases on the file of this Court, I have the honor to state that no pains are spared on my part to see that the said cases are disposed of as expeditiously as possible. With this object in view, I have been posting the cases to successive days as far as possible. But the trouble appears to be due to the fact that the Public Prosecutor who happens to be in charge of the prosecution is unable to devote sufficient time for the conduct of the cases as he is busy with the Sessions and other work attached to his office. Now that the duty of ~~the~~ conducting the prosecution has been partly entrusted to the Prosecuting Inspector attached to this Court, better progress might perhaps be expected in future.

As regards the stage at which the cases stand at present I may add that in case No.130 in which there are 37 accused persons, it took nearly two months after the charge sheet was placed to secure the presence of all the accused persons except two and proceedings commenced against 35 persons only on 17th December 1932. Of the 62 witnesses cited in the case 37 have been examined in chief so far and the case has been posted for further hearing to the 8th and 9th of this month.

In the other case in which there are only 4 accused persons, the proceedings commenced on 2nd November 1932 and of the 21 witnesses cited, all except three have been examined in chief so far and the case has been posted for further hearing to the 11th of this month.

"Copy"

District Magistrate,
Mysore District.

Law 54-3

4781 P 83 32

No. G3. 536/32
Encl.

OFFICE OF THE DISTRICT MAGISTRATE,
MYSORE DISTRICT,

Dated, Mysore.....1st March.....193 3.

2nd

Law 54-32-11

From

C. S. Kuppuswamiengar, Esq.,
District Magistrate,
Mysore District, Mysore.

To

R. Ranga Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
Bangalore.

GENERAL SECRETARIAT 4[illegible] No. Law

SIR,

With reference to your letter No.P.4357 dated the 9th February 1933 regarding the further conduct of the prosecution in the Mysore Dasara Disturbance cases on the file of the City Magistrate, Mysore, and enquiring whether it is not possible to entrust the prosecution work of these cases entirely to the Prosecuting Inspector attached to the City Court etc., I have the honour to state that as the Public Prosecutor is often called away by the Sessions Courts both at Mysore and Hassan, it is not possible for him to devote his attention exclusively for these cases and his frequent absence at Hassan necessitates the taking by him of long adjournments for these cases (vide letter No.G.C.955/32 dated 16th February 1933 from the District Superintendent of Police, Mysore).

Agreeing with the District Superintendent of Police, Mysore, I request that Mr. K. S. Krishnamurthi, Prosecuting Inspector, attached to the City Court, who is reported to be quite capable of conducting the prosecution in these cases, may be deputed to conduct the further prosecution after all the prosecution witnesses are examined-in-chief. The Public Prosecutor may argue the case for the prosecution at the end.

I have the honour to be,
Sir,
Your most obedient servant,

District Magistrate,
Mysore District.

NRS

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

a/-
20

Read:-

Government Order No. P. 2312-14/Law. 54-32-2, dated 24th October 1932, according sanction to engage the services of the Public Prosecutor, Mysore, to conduct the prosecution on behalf of Government in the Mysore Disturbance cases on the file of the City Magistrate's court, Mysore.

2. Correspondence ending with the letter No. G.3. 536/32, dated 2nd March 1933, from the District Magistrate, Mysore, stating that it is not possible for the Public Prosecutor to devote his attention exclusively for the above cases as he is often called away by heavy sessions work and that in the circumstances pointed out, recommending that Mr. K.S. Krishnamurthy, Prosecuting Inspector, attached to the City Court be deputed to conduct the prosecution in the cases after all the prosecution witnesses are examined in chief, the Public Prosecutor, Mysore, being however requested to argue the cases for the prosecution at the end.

Order No. P. 4887 — 89/Law 54-32-12

Bangalore, dated the 9th March 1933.

Government are pleased to accept the 10 proposal of the District Magistrate, Mysore. He is requested to issue instructions accordingly.

For General Secretary to Government.

TSD

To

The District Magistrate, Mysore.

The Inspector General of Police in Mysore.

The Public Prosecutor, Mysore.

TRM.4

G.R.S. App. F VI—G 2]

SUBJECT 21

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the *193* .

Date of issue 10/3/33

Signed by M. Rajagopala Rao

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section Law

File No. 54-32

Serial No. 12

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

G.O. no. P. 2312-14 Law 54-32-2 dated 24th Dec 1932 according Sanction to engage the Services of the PPr. Mysore to Conduct the prosecution on behalf of Govt in the Mysore Dasara Disturbance Cases on the ~~Order thereon:— No:~~ file of the City Magistrate's Court Mysore.

2. Correspondence ending with the letter no. G.3. 536/32 dated 2nd March 1933 from the District Magistrate Mysore stating that ~~the PPr. Mysore~~ it is not possible for the PPr. to

<2

Invite his attention to the enclosures
for the above Cases as he is called
away by heavy Sessions work
and that in the Circumstances
stated ~~and recommending to~~
~~obtain the further sanction for conduct~~
~~of the Case to~~ that Mr. K.S.
Krishnamurthy prosecuting Inspector
attached to the City Court of the
Dist. Mysore being known requested
to argue the Cases for the prosecution
at the end

be deputed to conduct the prosecution in the Cases after all the prosecution witnesses are ex^d in chief,

order:- P. 4887-89
Govt are pleased to accept the proposal of the Mysore
~~The recommendation of the~~ District magistrate, ~~deputed~~
~~the further conduct of the two~~
~~Cases~~ and he is requested to
~~sanctioned~~ issue instructions accordingly.
~~Dist Magte : approved.~~

List of Enclosure

1st
8/3

MM for Govt's seal
8/3

To

The Dist. Magte Mysore

D. G. P.

Pr. Mys.

Copied by

Examined by

23

No.P.5222

Confidential.

Dt 30/3/33

Dear Mr. Kuppuswami Iyengar,

1.C.C.113 of 1932-33
Govt. vs. A.N.Suryanaraya na and 3 others

2. C.C.130 of 31-32.
Govt. vs. Surya-narayana and 35 others.

It is understood that in the Mysore Disturbance cases noted in the margin which were instituted so long back as Octr. 1932, the examination and cross-examination of the prosecution witnesses is not yet completed. With a view to avoiding unnecessary delay in the further hearing and disposal of these cases, Govt. are considering the question of withdrawing the cases so far as they relate to persons who took only a casual or unimportant part in the disturbance, while proceeding against the rest. They will be glad to have your views in this matter, in consultation with the Inspector General of Police, together with a list of persons against whom prosecution might be withdrawn. I am to request for an early reply as any decision that may be arrived at in the matter will have to be intimated to the Court when the question of framing charges against the accused is taken up.

Yours sincerely,

Chief Secretary.

No P 5223/ dated 30.3.33

Copy to Inspector General of Police,
with compliments.

5169 24

General and Revenue Secretariat | File No. of 193 | [App. F. III—2

Serial No.

PUD

'W'

DEWAN'S OFFICE, 29 MAR 1933

This is a memorial signed by some of the Citizens of mysore, praying Government to withdraw the two Criminal cases (CC 113 and 130 of 32-33) now pending in the City Magistrate's Court, mysore. The cases arose out of the last year Dasara Disturbances at mysore.

A note showing the stage at which the cases are now is herewith put up.

The main file was submitted today to the Chief Secy, with a draft D.O. to the District Magistrate, mysore, suggesting a withdrawal of these cases only so far as those accused are concerned as have been proved to have taken no leading part in the disturbances. ~~Please instruct~~

(Yours Secy)

28/3.

Ch. Secy Letter Complete in Contn. of the main file, 29/3/33.

29/3.

(for personal

30/3/33

Home Member

Dewan

30/3/30

30/3

1-4-33.

3/4/33

This may be placed in the connected file

3/4

The main file has been submd. to the Dewan now — 29/3

Second number Council, 30 MAR 1933 No. 8852

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31.

Dasara Disturbance Cases.

C.C.113 of 1932-33 (Govt. Vs. A.N. Suryanarayana Rao and 3 others)

This is a case of robbery and mischief. 21 witnesses have been examined on behalf of the prosecution. The accused is now cross examining these witnesses. The case now stands posted to the 5th April and onwards for further examination.

No charge has yet been framed in the case.

C.C.130 of 31-32 (Govt. Vs. Suryanarayana Rao and 35 others.)

This is a case of rioting and being members of an unlawful assembly.

Out of 36 accused, 2 have not been traced and the case is proceeding against the 34 remaining. The Public Prosecutor says in his report of 15th March that 7 out of these 34 have not been identified by any of the prosecution witnesses.

About 59 witnesses have been examined on behalf of the prosecution. Three of the have been recalled for further examination the case which is posted to 3rd April for th purpose.

28/3.

5169 832
P 26

From:-
A.R.Sricanta Sarma ,
Land Holder,
Mysore.

Law
CHIEF SECRETARY
Mysore
25 MAR 1933

To,

The Chief Secretary,
Government of Mysore,
Bangalore.

Sir,

I have the honor to communnicate to you the accompanying memorial signed by some of the prominent citizens of Mysore.

I request you to kindly bring it to the notice of the Government for necessary action,and obdlige.

I beg to remain sir,

Your most bbedient servant,

A R Sricanta Sarma.

MYSORE.
Dated 24th March 1933.

The memorialists pray for the withdrawal of the two Dasara Distribance cases, now pending in the City Magistrate's Court, Mysore.

శ్రీమత్ మహారాజరవర నకారదవర్ల్లి వినంతి.

నవరాత్రి బబ్బవన్ను కన్నడిగరు దొడ్డనాడబబ్బవెందు కళిదుసంభ్రమదింద ఆచరిసుత్తిరువరు. మైసూరు దేశదల్లియూ; ముఖ్యవాగి రాజధానియల్లియూ; శ్రీమత్ రాజవడెయరవరు గ్రామంరల్లి శ్రీరంగపట్టణ వన్ను జయిసి విజయనగరద సింహాసనదల్లి అభిషిక్త రాదందినిందలూ ఈబబ్బవు అతి దొడ్డ రాజోత్సవ వాగి పరిణమిసిదె. బరుత బరుత ఈవుత్సవద మైభవవూ, ఔచిత్యవూ, కీర్తియూ, కీర్తు శ్యా బరుత్తివే. దేశ విదేశగళింద సావిరారు జనరు వర్షంప్రతి మైసూరు నగరక్కె బందు, ఈ ఉత్సవదల్లి భాగి గళాగి రాజదర్శనదింద ఆనందపడుత్తిరువరు.

ఇంతహ రాష్ట్రీయ మహోత్సవకాలదల్లి కళిదవరుళ్ళ దుర్భర్ వవశాత్ కేల అనుచిత ప్రపంచ గళు సంభవిసి మైసూరినవరిల్లరిగూ అర్థంత మనసి ఖేదవన్ను, అవమానవన్ను, ఉంటు మాడిదె. ఈ క్రియేగళు ఉద్దేశపూర్వకవాగి, పూర్వభావియాద ఒళసంచినింద దృష్టివే ఎందు హేళగలు యావ ఆధారవూ ఇల్ల. ఈ ఉత్సవద యశస్సిగె కళంక బరదంతె నోడికొళ్ళలు నకారదవరంతెయే ప్రజెగళూ నహాకారద వరరాగిరువరు. నమ్మల్లి బహుమంది ఆదివన ఉత్సవవన్ను నోడలు హోగిద్దేవు. అల్లిద వరన్నర బహుజనర అనుభవగళన్ను విచారిసి

విచారిణి కిల్లాదిరుక్కేవే. నమ్మకిల్లవల్లికేగే బందిరువ మట్టిగూ ఆదివవద జీవనేగళల్లు లుద్దేశపూర్వక వాదువల్లవేందూ, శుద్ధవాగి ఆకస్మికవాదువేందూ హేల్లబేకాగిదే. ఈ జీవనావళిగాగి మనవమరుగద మైనూరుప్రజీయన్ను ఇదువరేగినావు యారన్నూ కండిల్లా.

ఆదుదరింద ఈగలజీయ జీవనావళిగళన్ను నకలరూ క్లాప్తిదర్శిగే మశిసు అదర స్మారణేయిల్లిరుష్టిల్లవిశేషగువంతే ముందె ఆచరిసువుదు నకలరిగూ క్రమవాగిదే. ఈగ మైనూరు న్యాయదానగళల్లి కేలసమాడిరువవరు మూడినడే కుచ్చిరువ మేలిదమేగళల్లి దిద్దరే ఈరీతి క్లాబ్ ఏకవాగి మరకేలోసుత్తిత్తు. ఆదరే ఈమేలిదమేగళు దుష్కారుప్రజెగళన్ను అపరాధిగళాగియూ, నూరారుప్రజెగళన్ను సాక్షిగళాగియూ మాడి దినదినవూ కోడిట్లే ఎళియుత్తివే. ఈజనగళ ఆప్తరూ, మిత్రరూ, విసోదవన్ను నోడలేగదవరూ, సావిరారుమంది ఈజీవనావళిగళన్ను మరియదే, అవుగళన్నుకురితు విపరీతవాగి మూకిసుత్తా బరుత్తిరలు అవకాశవుంటాగిదే. వృత్తపత్రికెగళు ఈదుంగరిగళన్ను దేశవిదేశగళల్లూ లుక్కరక్షణావేదురడుత్తా బరుత్తివే. ఇదు ఒట్టిన దుంబాళనద దిక దృష్టియింద సాధువాగిల్లవేందు అభిప్రాయపడుక్కేవే. ఈ విషయదల్లి నకారాదవరు నడెయిసిరబేక్కు విచారణేయల్లి ఈగలజీయ నిజాంశవు హొరబరబేకాగుదు.

A. Shanthamaya Shetty.

Mr. Lakshmikantha

[illegible]

B. Ramaswamy Iyer.

Thanjavur Lajpat

Thanjavur

H.S. Thirumalai

K.S. Raghavan

Y.K. Amritha Bai

K.V. Sampath.

Endowment Manager

P.V. Subbadas

[illegible]

C.L. Ramiah

24.3.33

Comp. Judicial

D.O. No. Dy.Cr. 536/32 Encl'

31

OFFICE OF THE DEPUTY COMMISSIONER.
MYSORE DISTRICT,

Dated Mysore 3rd April 193 3

Dear Mr. Hamilton,

The Chief Secretary has written to me that with a view to avoid unnecessary delay in the further hearing and disposal of the Dasara Disturbance cases, Government are considering the question of withdrawing the case so far as they relate to persons who took only a casual or unimportant part in the Dasara Disturbances while proceeding against others. He has asked for my views in the matter in consultation with you.

Two cases have been charge-sheeted namely C.C.No. 113/32-33 against Suryanarayana and 3 others and C.C. 130/32-33 against Suryanarayana and 35 others.

I have carefully gone through the evidence recorded in these 2 cases along with the District Superintendent of Police and the Public Prosecutor.

I find there is good evidence against all the 4 accused persons in the first case. I do not think therefore that the case against any one of the 4 accused in that case should be withdrawn.

As regards the 2nd case in which 36 accused persons are concerned, two, viz., Nanjoo and Shiva (accused numbers 9 and 11) are absconding and the case has proceeded so far against the remaining 34 persons.

Of these 34 persons, Seena, Kulla, Nagoo, Hutchiah, Puttaswamy Lakshmandas, and Krishnappa (accused Nos. 10,15,17,21, 28, 32 and 34) have not been identified by any of the witnesses. There is therefore no case whatsoever against them.

Five accused persons viz, 4, 8, 11 and 31 and 33 have each been identified by only one witness. Out of these five, there

there is evidence that accused number 4 was caught pelting stones and that number 33 abused a Policeman and gave a blow on the turban of a Policeman. As against numbers 8, 11, and 31 no overt acts are proved. I therefore think that the case against these three namely 8, 11 and 31 may be withdrawn.

Out of the next batch of accused each identified by the two witnesses, accused numbers 12 and 29 are said to have been near the tanga and abusing the Police. They have thus played a very unimportant part in the affair and it is not worthwhile to proceeding further against them. The other 4 accused of that batch, viz, 3, 20, 24 and 27 have played an important part in the affair.

Out of the 4 accused persons Nos. 22, 25, 26 and 36 each identified by 2 witnesses, evidence against accused number 25 is that he was present in the crowd, near the tanga and did not listen to advice. The case against him may also be withdrawn. The other three have played more or less an important part.

To sum up, it is found from the evidence recorded that accused numbers 8, 10, 11, 12, 15, 17, 21, 25, 28, 29, 31, 32 and 34 have played only a casual or unimportant part in the disturbance. The case against these 13 people and against Nos. 9 and 16 who are absconding may be withdrawn. There is evidence to show that the other 21 accused in the case have taken an active and important part in the disturbance and I would therefore not withdraw the case against them.

I enclose herein a list indicating the names of persons against whom prosecution may be withdrawn.

If you agree with my views in the matter, I would request you to kindly forward this letter to the Chief Secretary with your remarks.

Yours sincerely,

"Copy"

Sd/- S.Kuppuswamiengar,

Deputy Commissioner, Mysore Dt.

List of persons against whom prosecution may be withdrawn.

---

1. Kariya alias Kaliah.
2. Nanjoo (absconding)
3. Seena
4. Devaraj
5. Subbaih
6. Kulla
7. Shiva (absconding)
8. Nagoo
9. Hutchiah
10. Muddaiah
11. Puttaswamy
12. Perumal
13. Narasimhaiya,
14. Lakshman Dass.
15. Krishnappa.

Deputy Commissioner &
District Magistrate, Mysore District.

Confidential

5335/P

34

F. A. HAMILTON, Esq., C.I.E.,
INSPECTOR GENERAL OF POLICE
IN MYSORE

BANGALORE

7th April, 1933.

D.O. No. C.C. 63/32-33
Encls: Two.

Law

Dear Sir,

In reply to your Memo No.P.5223 dated 30th March, 1933, I write to state that the District Magistrate, Mysore District, (copy of his letter enclosed) recommends the withdrawal of the case against 15 of the accused in case No.130/32-33. Amongst these 15 people, accused 9 and 16 are included merely because they are absconding and I do not see why the case against these two should be withdrawn merely because they successfully evaded arrest. It is reported that the prosecution case has been practically concluded and that 7 of the persons named are likely to be discharged. I think it would be better to let the law take its course and allow of the Magistrate to discharge such of the accused against whom there is insufficient evidence instead of the charge being withdrawn by Government.

Yours Sincerely,

A. Hamilton.

To

N. Madhava Rao, Esqr., B.A. B.L.,
Chief Secretary to the Government of Mysore,
BANGALORE.

CONFIDENTIAL.

D.O.No.G3. 1536/32-En

Office of the Deputy-Commissioner,
Mysore District,
Dated, Mysore, 3rd April, 1933.

Dear Mr. Hamilton;

The Chief Secretary has written to me that with a view to avoid unnecessary delay in the further hearing and disposal of the Dasara Disturbance cases, Government are considering the question of withdrawing the case so far as they relate to persons who took only a casual or unimportant part in the Dasara Disturbances while proceeding against others. He has asked for my views in the matter in consultation with you.

Two cases have been charge-sheated namely C.C.No.113/32-33 against Suryanarayana and 3 others and C.C.130/32-33 against Suryanarayana and 35 others.

I have carefully gone through the evidence recorded in these 2 cases along with the District Superintendent of Police and the public prosecutor.

I find there is good evidence against all the 4 accused persons in the first case. I do not think therefore that the case against any one of the 4 accused in that case should be withdrawn.

As regards the 2nd case in which 36 accused persons are concerned, two, viz., Nanjee and Shiva (accused numbers 9 and 26) are absconding and the case has proceeded so far against the remaining 34 persons.

Of these 34 persons, Seena, Kulla, Nagoo, Hutchiah, Puttaswamy, Lakshmandas, and Krishnappa (accused Nos. 10, 15, 17, 21, 28, 32 and 34) have not been identified by any of the witnesses. There is therefore no case whatsoever against them.

Five accused persons viz., 4, 8, 11, 31, and 33 have each been identified by only one witness. Out of these five, there is evidence that accused number 4 was caught pelting stones and that number 33 abused a Policeman and gave a blow on the turban of a Policeman. As against numbers 8, 11, and 31 no overt acts are proved. I therefore think that the case against these three namely 8, 11 and 31 may be withdrawn.

Out of the next batch of accused each identified by the two witnesses, accused numbers 12 and 29 are said to have been near the tonga and abusing the Police. They have thus played a very unimportant part in the affair and it is

D.O.No. P5381-

38

13th April 1933.

Dear Mr. Hamilton,

In reply to your D.O.No.C.C.63/32-33 regarding the withdrawal of the Mysore Disturbance case against some of the accused, I am directed to state that as the prosecution evidence is about to close, Government agree that there is not much use at this stage, of withdrawing the charge on the ground of there being insufficient - evidence against some of the accused.

Yours sincerely,

Sd/- B. Ranga Rao,

Memo No. P5382.

Bangalore, dated the 13th April 1933.

Copy of the above is forwarded with compliments to the District Magistrate, Mysore with reference to his letter No.G.3-536/32 of 3rd April 1933.

By Order,

13/4/33

General Secretary to Government.

39

Appendix F G—1]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 13/4/33

Signed by Mr. R. R.

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. P 5381,

To Dear Mr. Hamilton

In reply to your no. No. C.C. 63/32-33 regarding the withdrawal of the Mysore Disturbance Case against some of the accused, I am directed to state that as the prosecution evidence is about to close, Govt agree that there is not much use at this stage of withdrawing the charge on the ground of there being insufficient evidence against some of the accused.

Yours Sincerely,
RR
13/4/33.

No P 5382 dy 13/4/33 Copy to the Dt. Magte, Mysore with reference to his letter C3 536/32 of 3.4.33.

WD 71—GBPM—40,000—20-7-31.

S 470 832
P 40

No. 708
Encl

Office of the Public Prosecutor,
Mysore Division,
Mysore, dated 11th/15th April 1933.

From

The Public Prosecutor,

Mysore Division,

Mysore.

To

The General Secretary to the Government

of His Highness the Maharaja of Mysore,

Law Section, Bangalore.

GENERAL SECRETARY
17 APR. 1933
No Law

Subject:- C.C.No.113 of 1932-33 (Government Vs A.V.Suryanarayana Rao and others) on the file of the City Magistrate, Mysore.

Sir,

I have the honour to state that the cross-examination of P. W. 2 as over in the above-noted case. The cross-examination of the other witnesses could not be taken up as the records had to be submitted to the District Magistrate in connection with the Revision Petition filed by me for making a reference to the High Court for the Magistrate's omission to frame charges as soon as the examination-in-chief was over. The case is adjourned to the 20th instant.

XX
Asst
17.4.33

GENERAL SECRETARY
17 APR 1933
No

Copy of the petition filed before the District Magistrate, is herewith submitted.

I have the honour to be,

Sir,

Your most obedient servant.

Public Prosecutor,

Mysore Division.

Submitted for perusal.
General)
17.4.

RS
17/4/33

II Asst Member.
17/4

Instructed by the member to enquire as to why the P.P. made a reference to the H.C. without taking evidence to avoid delay.
17/4/33

Office of the Second Member of Council.
18 APR 1933
No. 867 D.

GI 2190 of 32-33 10.4.33

In the Court of the District Magistrate, Mysore.

Complainant:		Accused:
Government	Vs	A.N.Suryanarayana Rao and 3 others.

Sections 392 and 426 I. P. C.

Application under Section 435 Cr. Pr. Code.

The Public Prosecutor, Mysore Division, begs to file this application with reference to the order of the City Magistrate, Mysore, dated 15-3-33 in C. C. No. 113 of 32-33 . allowing the accused to cross-examine the Prosecution witnesses examined in the case, before charge, even though the opportunity to do the same was not availed of by the accused at the time of their examination-in-chief, and prays that the records of the case may kindly be called for and examined under Section 435 (1) Cr. Pr. Code as to the correctness, legality or propriety of the said order of the Magistrate, for the following among other reasons:-

(1) That there is no provision of law under Chapter XXI Cr. Pr. Code giving the accused a right to reserve the cross-examination of the prosecution witnesses before charge.

(2) That the accused had an oppotunity to cross-examine the witnesses, when they were examined-in-chief and they availed themselved of this opportunity by cross-examining P. W.1 to some extent, and did not chose to do so with regard to the other witnesses.

(3) That though the cross-exarination of the other witnesses was stated to be 'reserved' the said 'reservation' could only be with reference to Section 256 Cr. Pr. Code, when the accused has a statutory right to recall the witnesses and this stage will be reached only after a charge is framed under Section

Section 254 Cr. Pr. Code.

(4) It is the undoubted right and duty of the Court to record the the statements of the accused and frame charges under Section 254 Cr. Pr. Code the moment the stage has been reached when there is ground for presuming that the accused have committed offences triable under Chapter XXI Cr. Pr. Code.

GENERAL SECRETARY
17 APR
No

(5) That the prosecution have adduced ample evidence to show that there is a prima facie case against the accused under Section 392 and 426 I. P. C.

(6) That the learned Magistrate erred in opining that the prayer of the Public Prosecutor to record the statement of the accused and frame charges would be contrary to the concession allowed specifically to the accused on 3-11-32.

Wherefore the Public Prosecutor prays that action may kindly be taken under Section 438 (1) Cr. Pr. Code to report for orders of the High Court regarding the correctness, legality or propriety of the order of the said Magistrate and the said order may kindly be caused to be set aside, and the Magistrate required to proceed to orders.

Copy of order dated 15-3-33 is herewith produced.

Sd. K. Ramaswamy,
Public Prosecutor,
Mysore Division.
7/4/1933.

" True copy "

Public Prosecutor,
Mysore Division.

43

No P.5745

19th April 1933.

The

The Public Prosecutor,
Mysore

With reference to your letter No. 708 dated the 15th April 1933, intimating that you had filed a revision petition before the District Magistrate for making a reference to the High Court for the Magistrate's omission to frame a charge in C.C. No. 113 of 1932-33 on the file of the City Magistrate's Court, Mysore, I am to enquire under whose instructions you moved in the matter. Such a reference is likely to cause further delay in the disposal of the case, which Government desire to avoid as far as possible.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- H.V. Ramasvami,
General Secretary to Government.

P.H.

No P 5746 Memo. dy 20/4/33

Copy of the above is forwarded with Compliments to the District Magistrate, ~~Bangalore~~ Mysore, for information.

By order,

for General Secretary to Government.

ISD

Appendix F G—1]

SUBJECT .....

.....

.....

Section Secret

File No. 8000 - Cable -

Serial No.

Diary No. of letter replied to .....

No. P 57457—

To The Public Prosecutor,
Madras

General and Revenue Secretariat

( )

the 193 .

Sir,

Date of issue 20/6/33

With reference to your letter No: 708 dated 18th April 1933, intimating that you had filed a revn petition before the Hc for making a reference to the Hgh court for the magistrate's omission to frame a charge in C.C. No 113 of 32-33 on the file of the City Magistrate's Court, I am to enquire under whose instructions you moved in the matter. Such a reference is likely to cause further delay in the disposal of the case, which Govt desire to avoid as far as possible.

Signed by ... for Chief Sec.

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GBPM—40,000—20-7-31.

No. P 5446/33 dt 20/6/33 from Secy
Copy to the Dt Magte Tanjore

5537/32

45

From

The Public Prosecutor,

Mysore Division,

Mysore.

To

The General Secretary to the Government of His Highness the Maharaja of Mysore, Law Section, Bangalore.

OFFICE OF THE FIRST MEMBER OF COUNCIL 21 APR. 1933 No. 8808.

GENERAL SECRETARY 21 APR. 1933 No. Law

Dated 20-4-33.

Despatched 20-4-33

Received.

General No.
No.730

Enclosures. one

Sir,

In continuation of Progress Report No.708 dated 15-4-33 about C.C.No.113 of 32-33 (Government Vs A.N. Suryanarayana Rao and others)

submitted for perusal

(28 Accused)

46

In the Court of the District Magistrate, Mysore.

Reference: Application under Section 435 Cr. P.C. presented by the Public Prosecutor, Mysore Division, on 7th April 1933 praying for a reference being made under Section 438 (1) Cr.P.C. to the High Court on the order passed by the City Magistrate, Mysore, on 15th March 1933 in C. C. No. 113 of 32-33 on his file allowing the cross-examination of the prosecution witnesses to be done before charge is framed if any with a view to have the order of the Magistrate set aside.

O r d e r.

Records called for and perused. Since the cross examination of the prosecution witnesses has begun I do not wish to interfere at this stage. The records may at once be returned to the City Magistrate. I have only to observe that the contention of the Public Prosecutor is correct according to law.

Sd. C.S.Kuppuswamiengar.

District Magistrate,
18/4/33.

Memo.

L.Dis.Cl.2190/32-33.

Copy of the above is forwarded to the Public Prosecutor, Mysore, for information.

Sd. K. Mallaraj Urs.

For District Magistrate,
Mysore District.

C&17

5538
5579 A/12
P 47

No.745.Encls.two. Mysore, dated 23rd April 1913.

CONFIDENTIAL

From

The Public Prosecutor,

Mysore Division,

Mysore.

To

The General Secretary to the Government

of His Highness the Maharaja of Mysore,

Law Section, Bangalore.

Sir,

Subject: Revision Petition filed before the District Magistrate, Mysore, in connection with C.C.No.113 of 12-13 on the file of the City Magistrate, Mysore.

I have the honour to acknowledge the receipt of your letter No.F.5445 dated the 19/20th instant on the above subject and to state that the circumstances in which the revision petition was filed by me are explained in the letter dated 22nd instant received from the Prosecuting Inspector (Mr.P.C.Krishna Murthi) in reply to my letter No.739 dated the 21st instant. The correspondence is herewith submitted for kind perusal.

As the petition in question had to be filed before the District Magistrate himself I thought that it would be anomalous to consult him before presenting the petition. The responsibility for filing the petition was entirely my own. But I did not expect that the progress of the trial would be very much retarded by filing the petition for making a reference to the High Court. However, I now realise that I should have sought the permission of the Government before taking action. I am sorry for my omission to do so.

The order passed by the District Magistrate has been reported to Government in my letter No.730 dated the 20th instant.

I have the honour to be,

S i r,

Your most obedient servant.

Public Prosecutor,

Mysore Division.

G.R.S. III—37

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Ramaswamy,
Public Prosecutor,

Mysore.
Dated 21st April 33.

D.O.No.739.

Immediate and confidential.

Dear Sir,

In connection with the City Magistrate's refusal to frame charges before cross examination in C. C. No. 113 of 32-33 (Government Vs A. N. Suryanarayana Rao and others) you handed to me on the 7th instant a draft application to be filed before the District Magistrate under Section 435 Cr. Pr. Code. I am sure you recollect your telling me then that you had the written instructions of the District Superintendent of Police to present the application before the District Magistrate.

May I request you to confirm your statement in writing and also intimate the date on which you received the written instructions of the District Superintendent of Police to move the District Magistrate for making a reference to the High Court.

Yours Sincerely,

K.S. Krishnamurthy Esqr.,
M.A.,LL.B.,
Prosecuting Inspector,
City Magistrate's Court,
Mysore.

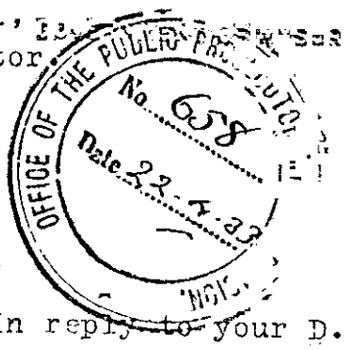
N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

K.S. Krishna Murthi,
Prosecuting Inspector.



Mysore,
Dated 22nd April 33.

Confidential

Dear Sir,

In reply to your D.O. No. 739 dated 21st inst regarding the order of the City Magistrate in C.C. 113/32-33, I have to state that I have mentioned in my General Diary of 15-3-33 that I would consult with you if we can go in Revision against the said Order of the Magistrate refusing to frame charges before cross examination. On receiving the Orders of the D.S.P. dated 18-3-33 that I am to do so early I consulted with you regarding this matter. I have mentioned in my Diary dated 20-3-33 that you intend filing the Revision Application before the District Magistrate and I have also reported in my Diary of 11-4-33 that you have filed the Revision Application on 7-4-33.

Regarding the drafting of the Revision Petition, I have done so as per your instructions, since you asked me to prepare the same and bring it to you and that you would touch it up if necessary

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

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for presentation in the Court.

Yours obediently,
A. S. Krishnamurthy

K. Rameswamy Esquire., B.A. B.L.
Public Prosecutor,
Mysore.

Subritted in original to Government for kind perusal with letter No.745 dated 23rd April 38.

Public Prosecutor,
Mysore Division.

MYSORE DASARA RIOTING CASE

SEVEN ACCUSED DISCHARGED

CHARGES FRAMED AGAINST 27 ACCUSED

(FROM OUR OWN CORRESPONDENT.)

MYSORE, April 30.

The case against A. N. Suryanarayana Rao, Rama Setu and 32 others under Sections 144, 147, 186, 332 and 353, I. P. C. in connection with the Mysore Dasara disturbances was reserved yesterday before the City Magistrate, Mysore.

Mr. K. Ramaswami, Public Prosecutor, filed an application requesting the Magistrate to frame charges against those accused in respect of whom there was substantial evidence let in by the prosecution by examining so far 59 witnesses. There was only one more witness to be examined for the prosecution whose presence could not be secured at present but his evidence would not relate to the identification of any of the accused. The trial of the case had already lasted seven months and there was no justification for further prolonging the period of trial. Besides, there were some persons among the accused against whom there was not much evidence and they might be discharged at the present stage and charges might be found against the others regarding whom there was prima facie evidence warranting their being called upon now to plead to the charges and to enter upon their defence after cross-examining the prosecution witnesses.

Messrs. K. Seshadri, A. Chinnakesaviah, K. Rajagopala Iyengar, M. S. Krishna Iyengar, S. K. Subba Rao and S. Pranesa Row, Counsel for some of the accused opposed the Public Prosecutor's application and observed that they were all taken by surprise by such a request. They pointed out that according to long-established practice of the court, the defence was allowed the privilege of reserving the cross-examination of the prosecution witnesses till the examination-in-chief of all prosecution witnesses was finished. The tacit understanding was that the cross-examination of prosecution witnesses was reserved before the court framed charges and not after as contended by the Public Prosecutor. The accused and their counsel were placed under a handicap by the present application of the Public Prosecutor and they therefore requested the Magistrate to dismiss the Public Prosecutor's application and to allow the defence counsel to proceed with the cross-examination of prosecution witnesses before charges were framed. The evidence so far recorded was no evidence in law inasmuch as it was not subjected to the test of cross-examination.

After the Public Prosecutor replied to the arguments of defence counsel, the City Magistrate passed an order discharging accused 7, 15, 17, 21, 28, 32 and 34.

Statements were recorded from the remaining twenty-seven accused persons who all pleaded not guilty.

CHARGES AGAINST 27 ACCUSED

The City Magistrate then framed charges against 27 accused persons as shown below:—

Against all the accused—charge under Section 147, I.P.C. (rioting).

Against accused 19—charged under Section 353, I.P.C.

Against accused 13—Section 332, I.P.C.

Against accused 7 and 14—Section 353, I.P.C.

Against accused 18, 20 and 24—Section 332, I.P.C.

Further hearing was adjourned to the 12th May next.

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IMMEDIATE &
CONFIDENTIAL.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 4th May 1933.

No. P 5885

From H.V. RAMASVAMI, ESQ., M.A., B.L.,

General Secretary to the Government of His Highness the Maharaja of Mysore.

To C.S. KUPPUSWAMI IENGAR, ESQ.,

District Magistrate, M Y S O R E.

Sir,

It is learnt from the reports sent by the Public Prosecutor, Mysore, that charges have been framed in one of the Mysore Disturbance cases, C.C.130 of 32-33 on the file of the City Magistrate, Mysore and that the case is posted for trial to the 12th May. In the other case, C.C. 113 of 32-33, it is reported that the cross examination of the Prosecution Witnesses is still going on, though no charge has as yet been framed. I am to state that Government consider it necessary that these cases should be taken up from day to day and disposed of as early as possible. If you have any proposals to make to ensure a speedier disposal of these cases, the same may be submitted at once for orders of Government. In particular, I am to enquire whether it would in any way facilitate a quicker disposal, if the City Magistrate, Mr. D.C. Subbarayappa is relieved of his work and asked to confine his attention to these cases.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

K. .R.2/4-5.

should be taken up from day to day
and disposed of as early as possible.
If you have any proposals to make
to ensure a speedier disposal of these
cases, the same may be submitted
above for orders of Govt. In particular,
I am to enquire whether it would
in any way facilitate a quicker
disposal, if the City Magistrate, Mr.
D. C. Subbarayappa is relieved of
his other work & asked confine his attention to
these cases

I have etc

Yours sincerely

BSP
3/5

Appendix F G—1]

SUBJECT .....

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.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 4/5/33

Signed by Mrs. N. R. J. Rao

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

Immediate & confl

No P S 805

To The District Magistrate

Mysore.

Sir,

It is learnt from the reports sent by the Public Prosecutor, Mysore that charges have been framed in one of the Mysore disturbance cases C.C. 130 of 32-33 on the file of the City Magistrate, Mysore and that the case is posted for trial to the 12th may. In the other case, C.C. 113 of 32-33, it is reported that the Cross examination of the Prosecution Witnesses is still going on, though no charge has as yet been framed. I am to state that Government consider it necessary that these cases

WD 71—GPBM—40,000—20-7-31.

6035 732
P 56

In the Court of the District Magistrate, Mysore District, Mysore.

Dated, Mysore, 16th May 1933.

Present:-C.S. Kuppuswamiengar, Esq.,

District Magistrate.

Criminal Revision Case No.23 of 1932-33.

Petitioner:-		Counter-petitioner:-
K.S. Ramasethu, son of Mr. K.C. Subrayan, Mysore.	Vs.	Government.

GENERAL SEC. 18 MAY 1933 No. Laws

This is a revision petition preferred against the order of the City Magistrate, Mysore, dated 29th April 1933 in C.C.No.130 of 32-33 on his file. The following are the grounds of revision.

XX 1915

(1) Having specifically reserved the right of cross-examining a first time before charge to the accused by means of express orders recorded at the end of each witnesse's deposition and reaffirmed it by the order of 3-4-1933 the learned Magistrate was quite wrong in refusing the same and proceeding to take the statements of the accused and framing charges.

(2) That the prosecution has given no reasons whatever for refusing the chance to cross examine before charge except that it will save some time. Till now the case has dragged on not on account of the accused but because the prosecution have gone on examining their witnesses in chief at the rate of ones and twos per day.

(3) That the learned Magistrate erred in not giving a chance to the accused to address arguments at least on the evidence on record before framing the charges as they were thereby prevented from showing that even a prima facie case had not been made out against many of the accused so as to justify the Hon'ble Court to frame charges.

(4) The charges framed at present on the evidence on record are illegal as -

(a) the accused have been practically prevented from cross examining the prosecution witnesses as set out in detail in para 1 above, and

(b) the evidence on record which has not been tested by cross examination is no evidence under the law and is not any probative value.

(5) That the learned Magistrate erred in holding in the order that the contention of the prosecution is quite in accordance with the law, as it would only be so if the accused had been asked if they would cross-examine each witness as he was examined in chief and they had chosen to waive their right which certainly they have not done in this case.

(6) That the order of the Lower Court is otherwise opposed to law, the evidence and the probabilities.

(7) That the records of the lower court might be called for immediately as they are absolutely necessary for arriving at a correct decision in this case.

(8) That the petitioner prays that the order under revision might be set aside and the charges framed thereupon quashed and the case remanded for cross-examination before charge.

ORDER.

I have heard the arguments advanced at great length by Mr. Seshadri on behalf of the petitioner and the Public Prosecutor on behalf of Government.

2. I must first state that I have no power to quash the charges framed by the City Magistrate. Mr. Seshadri admits this, but wants me to set aside the order of the City Magistrate dated 3-4-33 or in the alternative to make a reference to the Honourable the High Court.

3. It was contended by Mr. Sheshadri that there was an understanding that the accused should be allowed an apportunity to cross examine the witnesses for the prosecution after all of them were examined and that the order of the City Magistrate dated 3-4-1933 bears it out. He further contended that the evidence recorded was really no evidence in as much as it was not tested by cross examination. Under the law, as it stands, the accused have the right to cross examine the prosecution witnesses as they are examined, Further in warrant cases, they have the right to further cross examination them after charge. The law does not give the accused any right, expressed or implied, to cross examine prosecution witnesses after all of them are examined. On the other hand, a Magistrate is competent to proceed to frame charges the moment he comes to the conclusion that a prima facie case is made out even though all the witnesses may not have been examined. It is not that the City Magistrate prevented the accused from cross examining the prosecution witnesses as they were examined in chief. It cannot be said that he did not allow them an opportunity to do so. If, for purposes of their own,

they

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they elected not to cross examine the prosecution witnesses as they were examined-in-chief, it must be considered that they had no cross-examination, and no Court can possibly force the accused to cross examine the prosecution witnesses at any particular stage and simply because they do not elect to cross-examine the witnesses it cannot be said that the evidence of such witnesses is really no evidence. In support of his contention, the Counsel for the petitioner quoted two authorities, viz., 73, Indian Cases, page 340 and 81, Indian Cases, page 44. The former refers to a proceeding under Section 145 Cr.P.C. in which the Magistrate was held to have not given an opportunity to one party to cross examine the witnesses of the other party. As regards the latter case, it is not clear at what stage the Magistrate refused to allow the cross examination of the Prosecution witnesses. I do not therefore think that these two cases help the petitioner. As observed by Mr. Justice Knox Cross-examination is intended for testing the accuracy and credibility of the witnesses and not for building up a case for the defence (8 A.L.J. 709). As regards the right to reserve cross-examination till all the Prosecution witnesses have examined, I need only quote the following passage from the order of White C.J (22 Indian Cases 174):-

"To my mind, it is impossible to construe that Section (S.208 Cr.P.C) as conferring upon an accused the right, if he thinks fit, to ask for an order and to have an order made that the cross-examination of the witnesses for the prosecution may be reserved until after all the prosecution witnesses have been examined-in-chief".

It is thus clear that the accused cannot under the law claim any such right. As observed by Mr. Sabonadiere in his book on the Trial of Criminal Cases in India (page 201) the right to postpone cross examination until a charge is drawn is not given to the accused to enable him to think out a case for himself after the case for the prosecution is over etc."

6035/32

59

4. Coming now to the order of the City Magistrate, dated 3-4-1933, it must be stated that it is not an order passed under any Section of the Criminal Procedure Code. There is therefore no bar to the City Magistrate revising it at a later stage. The accused cannot base their claim to a privilege which is not legally conceded to them on that order. When the law on the subject was argued by the Public Prosecutor, the Magistrate has rightly ignored his order of 3-4-33 and proceeded to record the statements of the accused.

5. Taking all the circumstances of the case into consideration, I am decidedly of opinion that there is no justification for me to make a reference to the Hon'ble the High Court. I cannot really understand how the accused are prejudiced by charges being framed. They have now the right to cross-examine the prosecution witnesses. The case is dragging on for several months and it is necessary that it should be disposed of without further unnecessary delay. I therefore dismiss the Revision Petition.

In Open Court,

Sd/- C.S. Kuppuswamiengar,
District Magistrate.

Submitted to the General Secretary to the Govt. of H. H. the Maharaja of Mysore, Law Section, Bangalore for information.

K Ramachandra
Public Prosecutor
17.5.33

5936/32 60

No.802.
Encl: one

Office of the Public Prosecutor,
Mysore Division.
Mysore, dated 12th/13th May 33.

From

The Public Prosecutor,
Mysore Division,
Mysore.

To

951

The General Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

Submitted for personal (T Member)

Subject: C.C.No.130 of 32-33 (Government Vs A.N.Suryanarayana Rao and others) on the file of the City Magistrate, Mysore.

Sir,

I have the honour to state that the above-noted case has been adjourned to the 22nd May 1933.

GEN 15 MAY 1933 No

N.B: Case adjourned at the request of Defence Counsel. Mr. M. Srinivasa-iengar, Advocate, appears for five accused persons.

Revision Petition has been filed before the District Magistrate. Copy of the petition enclosed. The petition will be argued to-day.

I have the honour to be,
S i r,
Your most obedient servant.

Public Prosecutor,
Mysore Division.

In the Court of the District Magistrate, Mysore.

Cr. R. P. No. 23 of 1932-33.

Petitioner: K. S. Ramasethu, son of K. C. Subbarayana, Representative of the General Engineering Company, Ford Dealers, Mysore.

Vs.

Opponent: Government of Mysore.

Under Sections 435 and 436 of the Cr.Pr.C.

The petitioner begs to prefer this revision against the order of the learned City Magistrate of Mysore dated 29-4-1933 in C. C. No. 130 of 32-33 on the following grounds:

(1) Having specifically reserved the right of cross-examining a first time before charge to the accused by means of express orders recorded at the end of each witnesses' deposition and re-affirmed it by the order of 3-4-1933 the learned Magistrate was quite wrong in refusing the same and proceeding to take the statements of the accused and framing charges.

(2) The prosecution has given no reason whatsoever for refusing the chance to cross examine before charge except that it will save some time. Till now the case has dragged on not on account of the accused but because the prosecution have go on examining their witnesses in chief at the rate of ones and twos per day.

(3) The learned Magistrate erred in not giving a chance to the accused to address arguments at least on the evidence on record before framing the charges as they were thereby prevented from showing that even a prima facie case had not been made out against many of the accused so as to justify the Hon'ble Court to frame charges.

(4) The charges framed at present on the evidence on

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on record are illegal as

(a) the accused have been practically prevented from cross-examining the prosecution witnesses as es set out in detail in para 1 above.

(b) and the evidence on record which has not been tested by cross examination is no evidence under the law and is not any probative value.

(5) The learned Magistrate erred in holding in the order that the contention of the prosecution is quite in accordance with the law, as it would only be so if the accused had been asked if they would cross-examine each witness as he was examined in chief and they had chosen to waive their right which, certainly, they have not done in this case.

(6) The order of the lower Court is otherwise opposed to law, the evidence and the probabilities,

(7) Therefore the petitioner prays that the order of under revision might be set aside and the charges framed thereupon quashed and the case remanded for cross-examination before charge.

Sd. K. Seshadri.

Advocate for petitioner.

11/5/33.

The petitioner further prays that the records of the lower Court might be kindly called for immediately as they are absolutely necessary for arriving at a correct decision in this case.

Sd. K. Seshadri.

Advocate for petitioner.

11/5/1933.

" True Copy "

Public Prosecutor,

MysoreDivision.

H.V. Ramaswami Esq., M.A., B.L.,
General Secretary to Govt.

No P 753.

Bangalore,
12th August 1933

63

Immediate & Confidential.

Dear Mr. Kuppuswami Iyengar,

It is learnt from the reports of the Public Prosecutor, Mysore, that the two criminal cases arising out of the disturbances that occurred in Mysore during the last Dasara Festivities are still going on, though it is over ten months since they began. At the present rate of progress there is no prospect of their being concluded in the near future. I am to state that Government consider it desirable that they should be disposed of very early and I am therefore to request you to arrange for the early disposal of these two cases and to report what action you have taken with that object.

Yours sincerely,

C. S. Kuppuswami Iyengar, Esq.,
Deputy Commissioner,
Mysore District,
Mysore.

Appendix F G.—1]

SUBJECT .....

.....

.....

Section

File No.

Serial No.

Intl + Confl

No. 7537

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193

Date of issue 12/8/1933

Signed by .....

To Dear Mr. Kuppuswami Iyengar,

It is learnt from the reports of the Public Prosecutor, Mysore, that the two criminal cases arising out of the disturbance that occurred ~~in~~ Mysore during the last Dasara ~~festivities~~ festivities are still going on. Though it is over ten months since they began at the present rate of progress there is no prospect of their being concluded in the near future. I am to state that Government consider it ~~very~~ desirable that they should be disposed of very early ~~finished before the next~~ Dasara and I am therefore

List of enclosures .....

Copied by .....

Examined by .....

WD 71—GBPM—40,000—20-7-31.

65

to request you to arrange for the early disposal of these two cases and to report what action you have taken with that Object..

Yours Sincerely

C. S. Kuppusami Iyengar Esq
District Magistrate
Mysore

CONFIDENTIAL.

876 P 33.

Q. No. Fy-536/32-34

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT.

66

K. KUPPUSWAMIENGAR, Esq.,
Deputy Commissioner.

Mysore, dated 16th August 1933.

Dear Mr. Ramasvami,

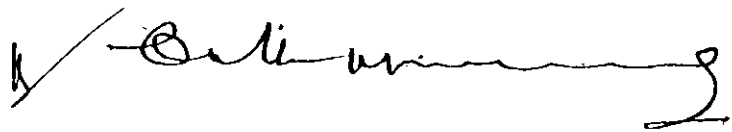
Adverting to your D.O. letter No.P. 753 dated the 12th instant, regarding the quick disposal of the two Dasara Disturbance cases pending in the City Magistrate's Court, Mysore, I enclose herein for the perusal of Government, copy of a report No.196/33 of the 14th instant together with that of its enclosure, received from the City Magistrate, on the subject. It will be seen therefrom that the Magistrate has been trying his best to bring the cases to quick disposal but is being thwarted in his attempts by the obstructive tactics adopted by the accused as explained by the Magistrate.

I have however instructed him to proceed with the cases in question expeditiously from day to day. With a view to enable him to devote continuous attention to the disposal of these cases, I have already transferred some of the other cases from his file to that of the Special

05

Special First Class Magistrate, Mysore.

Yours sincerely,



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Letter No.196/33-34 dated 14th August 1933, from the City Magistrate, Mysore, to the District Magistrate, Mysore District.

In reply to Confidential D.O. letter No.P. 753 dated the 12th August 1933 from the General Secretary to Government directing that arrangements might be made for the early disposal of the two Dasara Disturbance Cases that are pending in this Court and calling for a report as to what action has been taken in the matter, I have the honor to state that. as I have already explained to you in person from time to time, so long as the accused go on adopting obstructive tactics at each stage as they seem to be doing now, it would be impossible for any one to bring the cases to early disposal in spite of the best efforts.

2. As you are doubtless aware, I have been taking up the cases from day to day except when the accused go in revision to you or to the High Court on any order passed by me in the course of the proceedings or put in transfer applications as they have been doing now, in which case I am bound to give adjournments in accordance with the provisions of the Criminal Procedure Code.

3. From the enclosed Memo showing the stage at which each of the two cases stands at present, it will be seen that the pendency in both the cases is due to causes beyond my control.

4. In the bigger case in which there are 34 accused persons, it took over two months after the placing of the charge-sheet to secure the presence of all the accused and nearly three months more were lost in giving short adjournments on account of the absence of one or other of the accused persons on the dates of hearing. Even now, one of the accused persons is absconding for the past 2 months and proceedings will have to be continued against the remaining accused persons only.

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5. In the initial stages of the case, the Public Prosecutor who is generally busy with Sessions and other work was in charge of the prosecution and the proceedings were necessarily slow on that account. It was only several months after the cases were instituted that Government were pleased to pass orders allowing the Prosecuting Inspector to conduct the cases.

6. Fifty nine witnesses have been examined in chief in this case and charges have been framed against 27 out of the 34 accused persons. A revision application filed in the High Court for the quashing of the charges was dismissed only recently and one of the accused persons proposes putting in a transfer application. Further proceedings could only be taken up after the disposal of this application by the High Court. Even then, the cross examination of 59 witnesses as well as the examination of an equal if not a greater number of defence witnesses is likely to take a fairly long time even if the case is heard from day to day.

7. As regards the smaller case, in which there are only 4 accused persons, only 21 witnesses have been cited for the prosecution and the case is likely to reach the stage of defence after the further cross examination of Mr. Nilgiri Sanjivaiya whose presence it has not been possible to secure for some time past.

8. I have set forth some of the practical difficulties that I have come across in the disposal of the two cases and I trust you will be good enough to concede that the delay in the disposal is not due to any laxity on my part.

9. The General Secretary's Confidential D.O. letter under reply is re-submitted herewith as desired.

"Copy"

Deputy Commissioner,
Mysore District

C.C. No.113 of 1932-33.

(against 4 accused persons).

14-10-1932	Charge sheet placed.
20-3-1933.	Case began to be conducted by the Prosecuting Inspector.
13-6-1933	Charges framed.
15-6-1933 to) 15-7-1933.)	No proceedings could be taken owing to misrepresentation by one of the accused's Counsels that a revision petition had been filed before the High Court.
14-8-1933.	Posted for further Cross Examination of Mr. Nilgiri Sanjivaiya and another.

C.C. No.130 of 1932-33.

(against 34 accused persons).

26-10-1932.	Charge sheet placed.
15-12-1932	All the accused appeared
20-3-1933	Case began to be conducted by the Prosecuting Inspector.
12-5-1933.	Charges framed.
13-5-1933) to) 22-5-1933)	Revision application before the District Magistrate.
23-5-1933) to) 26-7-1933)	Do. Do before the High Court.
4-8-1933.	Transfer application before the District Magistrate.
11-8-1933.	Do Do the High Court.

"Copy"

Deputy Commissioner,
Mysore District.

A.N.

I shall speak to you in person

Ch left with compliments

TO.

SIR MIRZA MAHAMUD ISMAIL Esq. B.A.Etc.

DEWAN OF MYSORE,

MYSORE.

PETITIONERS:-

I. Thagadiah, son of Lingasetty. Mysore.

II. Vishakanta, son of Chowdappa, do.

III. Ramaswamy, son of Raghavaiah, do.

IV. M.S.Narasimha Iyengar,

-------- & others, accused in the case known as " The Dasara Disturbance Case", pending as C.C.NO. 130 of 32-33 on the file of the City Magistrate's Court, Mysore.

The Petitioners humbly and respectfully beg to state as follows:-

Your humble Memorialists are arraigned as accused on the allegations that they were responsible for the unhappy in-cidents that occurred during the return procession of HIS HIGHNESS THE MAHARAJA on the Vijaya Dasami day of 1932. Without the least prejudice to the case so launched and pending against them they place before you their innocense and their deep loyalty to the person of their beloved MAHARAJA and they regret very much the unhappy occurrence that took place on the said night, though your

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poor and humble Memorialists had no part or lot in them. They sincerely abhor everything that happened and hold in utter con-tempt the hooliganism that prevailed in the route which for them-selves the Petitioners held sacred. But in the Millions that had assembled there to call the few poor cretures before you to account for what was done is almost baffaling to the imagination and all that your Memorialists can urge in the matter is their total dis-association from everything smacking of disloyalty to their BENIGN & BENEVOLENT RULER AND SOVERIGN.

Your humble petitioners are all very poor people making a living in Mysore from hand to mouth and hardly possessed of the means to defend themselves in the Court of Law and establish their innocence. But the thought that theycould be accused of most disloyal sentiments towards their object of their deep veneration and admiration is so utterly galling and excruciating that they humbly pray that you may be pleased to save them from such accusations any more and after accepting their deep regrets for the happenings for which,however, they were not responsible, order and allow the accusations as well as the case to be withdrawn setting them free to partici-pate in the joys of the coming festivities of the Dasara.

Thanking you very much in anticipation and offering you heart-felt felicitations on your safe and happy return from

England and the strenous labours of the Joint

they
Committee which ~~we~~ were happily expecting

they ~~we~~ beg to remain;

Yours most obedient & loyal servant:

(30)
(4)
(20)
(13)
S. K. Venkoji Rao (27)
(19)
(25)
(7)
(6)
(14)
(29)
(5)
P. V. (3)
(8)
(23)
(36)
(24)
(35)
(1)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

D. O. No. P. 1282 Encl

Dated, Bangalore, 13th Septr. 1933

Cont

Dear Sir,

In forwarding herewith a copy of the petition presented to the Government by Nagadiya and several others, accused in C.C.No.130-32-33 on the file of the City Magistrate, Mysore, praying for withdrawal of the case against them, I am directed to request you to consider, in consultation with the Inspector General of Police, whether any withdrawal of the cases against some of the petitioners may be thought of if they took but a casual and unimportant part in the disturbance. A report may be submitted to Government at a very early date.

Yours sincerely,

Sd. R.Ranga Rao.

Chief Secretary to Government.

To

C. S. Kuppuswami Iyengar Esq.,
District Magistrate, Mysore District.

Memo No. P. 1283/Encl

Dated Bangalore, the 13th Septr. 1933.

Copy of the above is forwarded with compliments to the Inspector General of Police in Mysore with a copy of the petition.

By order,

13/9.

Chief Secretary to Government.

D.O. No P 1282/Secy dt 13/9/33

To

The District Magistrate,

Mysore.

Secy

Sir,

In forwarding herewith a copy of the petition presented to the ~~Dewan by~~ Govt by Tagadariya and several others, accused in C.C.No.130 32-33 on the file of the City Magistrate, Mysore, praying for withdrawal of the case against them, I am directed to request you to consider in consultation with the Inspector General of Police whether any withdrawal of the cases against some of the petitioners may be thought of, ~~if they are not ring-leaders~~ and took only a casual or unimportant part in the disturbance, ~~and submit~~ A report ~~for information of~~ Government at ~~an early~~ a very early date.

any

either because the evidence against them is not very strong or because it

in case

On the ground that he took but a casual & unimportant part in the disturbance & the ~~evidence against him is not~~ strong

I have &c.,

Secy

General Secretary to Govt.

ISD

Memo. No P 1283/Secy

Copy of the above is forwarded to the I.G.Police with a copy of the petition.

for General Secretary to Govt.

ISD

1678/33

vvk.1.

CONFIDENTIAL

D.O. No. G3. 536/32.

1633 P 933/6

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT,

Dated Mysore, 21st September *1933*

Dear Sir,

With reference to your D.O. No. P. 1282 dated the 13th instant, enclosing copy of the petition presented to Government by Tagadaiya and others, accused in C.C. No. 130 of 1932-33 on the file of the City Magistrate, Mysore, and requesting me to consider in consultation with the Inspector General of Police whether any withdrawal of the case against some of the petitioners may be thought of, I write to invite kind reference to D.O. letter No. P. 5381 dated the 13th April 1933 addressed to the Inspector General of Police by the General Secretary to Government on the subject. At that time, none of the accused had been charged. Subsequently, seven persons were discharged by the Magistrate, and the rest, except two that are absconding, have been charged. The Inspector General of Police whom I consulted in the matter has stated in his D.O. letter of the 19th instant, that though the case may be comparatively weak in respect of five of the accus (4, 8, 11, 31, 33) the fact that the court has framed charge against them will show that a prima-facie case has been made o and that in the absence of any pertinent reason for the withdrawal of the charge he does not consider that step to be justified or politic. I agree with him. Seeing that charge has been framed in the case, it is not, in my opinion, desirable to order withdrawal.

Yours sincerely,

R. Ranga Rao, Esq., B.A.,B.L.,
Chief Secretary to Government,
Bangalore.

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Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 7/6/33

Signed by M. N. Rao.

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

No. Confidential P. 1578

To C. S. Kuppuswami Iyengar Esq
~~The~~ District Magistrate
Mysore

~~Sir~~, Dear Sir,

With reference to your D.O. letter No: G3. 536/32 dated 21st Sept^r 1933 ~~regarding~~ reporting on the petition presented to Govt by Tapadeiya & others, accused in C.C. 130 of 32-33 on the file of the City Magistrate Mysore, I am directed to inform you that Government agree that ~~the case having reached its present stage, after continued obstructive tactics adopted by the accused~~, it is desirable ~~that~~ to ~~withdraw~~ order its withdrawal ~~Mag Stands to be proceeded to the stage of judgment.~~ now

Yours Sincerely
HTS

2030 P 33

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OFFICE OF THE PRIVATE SECRETARY
TO HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 1155
Enc. one

Mysore, the 13th October 1933
16th

The petition, of which particulars are given below, to His Highness the Maharaja, is forwarded with compliments for favour of disposal.

To

The Chief Secretary to the Government
of H. H. the Maharaja of Mysore.
Bangalore

By Order,

for Private Secretary
to H. H. the Maharaja of Mysore.

No. 42 of 33-34

From Sri. Ou. Venkatakrishnaiah, Mysore
praying for withdrawal of cases in connection
with the Dasara disturbances

2030
P 33

OFFICE OF THE PRIVATE SECRETARY
TO HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. 1155
Enc. one

Mysore, 13th October 1933.

1614

The petition, of which particulars are given below, to His Highness the Maharaja, is forwarded with compliments for favour of disposal.

To

The Chief Secretary to the Government
of H. H. the Maharaja of Mysore.
Bangalore

By Order,

for Private Secretary
to H. H. the Maharaja of Mysore.

No. 42 of 33-34

From Sri. Ch. Venkatakrishnaiah, Mysore
praying for withdrawal of cases in connection
with the Dasara disturbances

Sri KRISHNARAJA VANI VILAS PRESS, MYSORE.
ಶ್ರೀ ಕೃಷ್ಣರಾಜ ವಾಣೀ ವಿಲಾಸ ಪ್ರೆಸ್, ಮೈಸೂರು.

M. VENKATAKRISHNAYYA.
PROPRIETOR.

LAKSHMIPURAM.

pl. No. 142.
27 SEP 1933

Dated 24th September 1933.

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ಶ್ರೀಮನ್ಮಹಾರಾಜ ಶ್ರೀ ಕೃಷ್ಣರಾಜ ಒಡೆಯರ್ ಬಹದ್ದೂರ್ ಜಿ. ಸಿ. ಎಸ್. ಐ
ರವರ ಸನ್ನಿಧಿಯಲ್ಲಿ ಜಿ. ಎಂ. ವೆಂಕಟಕೃಷ್ಣಯ್ಯನವರ ಸಾಷ್ಟಾಂಗ ನಮಸ್ಕಾರ ಪೂರ್ವಕ ವಿಜ್ಞಾಪನೆಗಳು.

ಮಹಾಸ್ವಾಮಿ,

ಕೈಂಕರ್ಯೋತ್ಸವ:- ನನಗೆ ಶ್ರೀಮಾನ್ ಪರಕಾಲಯತಿಗಳನ್ನು ಯೋಗಿಗಳು ಬಂದಿರಬೇಕೆಂದು, ಶ್ರೀಮದ್ವಡಕಲೈ ಕೃಷ್ಣಸ್ವಾಮಿ ಅಯ್ಯಂಗಾರ್ಯರವರು, ಶ್ರೀಮದ್ ಚಾಮರಾಜೇಂದ್ರ ಒಡೆಯರವರು, ನಮ್ಮ ಮಹಾಮಾತೃಶ್ರೀ ವಾಣೀ ವಿಲಾಸ ಸನ್ನಿಧಿಯವರು, ಧಾನಪರವರು, ಮಹಾಸ್ವಾಮಿಯವರೂ ತಮ್ಮಗಳನ್ನು ಆಶ್ರಯಿಸಿದ ಭಕ್ತಿಯುಳ್ಳವರೂ ಇವರುಗಳನ್ನೆಲ್ಲಾ ಕರೆಯಿಸಿ ಕೈಂಕರ್ಯೋತ್ಸವ ಮಾಡಬೇಕೆಂದು ಭೂವಿನಿ, ಯಧಾಮತಿ, ಅರುಧಾಶಕ್ತಿ ಈ ಸಂಸ್ಥಾನದ ಸೇವೆಯನ್ನು ಮಾಡುತ್ತಿರುವ ಅಧಿಕಾರಿಗಳಿಗೂ ಸೇವಕರುಗಳಿಗೂ ಪತ್ರಿಕೆಗಳಿಂದ ಭಾವನೆಯಿಟ್ಟು ಎಲ್ಲಾ ಸೇವೆರುಗಳಿಗೂ ಪುರುಸ್ಕಾರ ಈ ಭಾವನೆಯನ್ನು ನಿಮ್ಮಲ್ಲಿ ವಿಜ್ಞಾಪಿಸಿದ್ದಾಗಿ ಇರುವುದು. ಇದು ನಿಮ್ಮ ಅನುಜ್ಞಾನದಿಂದ ಸಂಸ್ಥಾನಕ್ಕೆ ಸೇರಿದ್ದಾಗಿರುವುದರಿಂದ ಕೈಂಕರ್ಯೋತ್ಸವಕ್ಕೆ ತಕ್ಕಂತೆ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೂ, ಸಿವಿಲ್ ಸರ್ಜನ್ ಅವರಿಗೂ ಅಂಚೆ ಇಲಾಖೆಯವರಿಗೂ ಅಧಿಕಾರಿಗಳಿಗೂ ಆಹ್ವಾನ ಪತ್ರಿಕೆಗಳನ್ನು ಬರೆಸಿ ಕಳುಹಿಸಿರುತ್ತೇನೆ. ಈ ದಿನ ಬೆಳಿಗ್ಗೆ ೧೦ ಗಂಟೆಗೆ ಸರಿಯಾಗಿ ಅಲಂಕಾರ ಮಾಡಿಸಿದ ಬಂಡಿಯಲ್ಲಿ ಪರಕಾಲಯತಿಗಳನ್ನು ಕೂರಿಸಿ ಮೆರವಣಿಗೆಯಲ್ಲಿ ಕರೆತಂದು ಸಭಾಮಂಟಪದಲ್ಲಿ ಕೂರಿಸಿದೆವು. ಸಭಾಮಂಟಪದಲ್ಲಿ ಸಿಂಹಾಸನದ ಮೇಲೆ ಶ್ರೀಮದ್ವಡಕಲೈ ಕೃಷ್ಣಸ್ವಾಮಿ ಅಯ್ಯಂಗಾರ್ಯರವರು ಕುಳಿತಿದ್ದರು. ಸಿಂಹಾಸನದ ಬಲಭಾಗದಲ್ಲಿ ಶ್ರೀಮದ್ ಚಾಮರಾಜೇಂದ್ರ ಒಡೆಯರವರು ಕುಳಿತಿದ್ದರು. ಸಿಂಹಾಸನದ ಎಡಭಾಗದಲ್ಲಿ ಪರಕಾಲಯತಿಗಳು ಕುಳಿತಿದ್ದರು. ಮೆರವಣಿಗೆಯಲ್ಲಿ ಪ್ರತಿಬಂಧಕವನ್ನು

మూడు బారలోంబ ప్రజ్ఞీయము ఈ నిర్భాగ్యులంగీ బరలల్లి. ఇదువరిగూ ఆవరు అనుభవిసిరువ శక్తుల్రపు ఆవశ తక్షిగీ లక్ష్యీయాయిరు. యుక్తిరు తల్లుమాడిదరే కంబీ రాయిగ్రరు ఆవరింగీ బుద్ధియన్ను కలిసి బుద్ధి బంద మ్యోలీ ఆవశ తల్లుపన్ను యున్నిసుంబ్రకు క్రీయంర్శ్యశ్వాపరిపన్ను. ఈ ఆదరాంధిగళిగీ బుద్ధి బందిరువ్రకు. యి డూక్ట్రిమియరు ఆవరళ్ళి ప్రజీయన్నిట్టుక "Prerogative of Mercy" ఎంబ బిరుదన్ను శ్యోంధి "సాపిక్ష్ణ: క్షీథ్వి బతి:" ఎంబి వభనగ్గే లుపాధరణీయన్ను కంట్రిసుంబ్రకు క్ష్మీవంశరోందు వనగే శక్తిరుత్తిద్దే. ఆదరాంధిగళరు శిక్షీయన్ను శిక్షిసిసిం రాజం ఆక్షే విశీక్ష భాధశ వల్లి. నిరపరాంధియూ శ ఓబ్బనిగే శిక్షీయూ బరది ఆదన్ను ఖీవరం మీ జ్ఞప్తి పదిల్లి. నిరపరాంధిగర్శోంబ విశ్వసుబళ్ళి శంద్రోళ్ళ కుట్టుబరది "Benifit of the doubt" న్ను ఆదరాంధిగళిగే కొడుత్తిరు క్ష్మీవంశర చాదస్థ. మ్యహా డూక్ట్రిమియవరు సిక్కా రాంయిగాద క్రీకృష్ణనన బరవంశ్రష్టరు విదుర. ఇబ్బరి మొంబల్లాదవళిళ్ళి క్రీకృష్ణనిగే జ్ఞీగే ఆక్షత్రియ పాంద క్రీకతియు జ్ఞీగే ఇరిల్లి. ఈంగే విశీకరవిల్లదే శిక్షీయూ బరదిరబేక్ష నిబాగ్యశ శిక్షీగర్శన్ను క్ష్మీమిసి ఎల్లరూ ఆక్షత్రియరంతా కొంజభ్రమి విర్వాహగరు కళవరంకే మూడి కొళ్ళువ్రకు యంతూ డూక్ట్రిమియవరంగే నంక్షుబవల్లి: "Official Terrorism" "civil Resistance" గే యుబ్బు హారణ. యంతూ డూక్ట్రిమియవరు నిధానవాంగి జీవన్ను బయోల్కిబిసి యూరూ నోంబుకొళ్ళబంకే మూడి. మ్యహాడూక్ట్రిమియవర మనసినగూ నైమ్మదియు Pacific కాంగశబ్ద ఈంగే ఇరువంకే మూడికొంబుదు రంక్షీ నిగ్రహ శిక్షీ కంటొలనేయన్ను మూబశక్ష విశీయవళి వంశకారంభక్షా వాంగి బందిరబేక్ష "శిక్షీ ఎల్లరిగూ ద్దరాంమ్యుం" ఎంబ బిరుదిగే లక్ష్యీ బరబేక్ష ఇరువంకే నడెయువ శక్తియన్ను యంతూ డూక్ట్రిమియవరిగే మక్కువరు అనుగ్రహిసిరుత్తిరలే

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

SRI KRISHNARAJA VANI VILAS PRESS, MYSORE.

ಶ್ರೀ ಕೃಷ್ಣರಾಜ ವಾಣೀ ವಿಲಾಸ ಪ್ರೆಸ್, ಮೈಸೂರು.

M. VENKATAKRISHNAYYA,
PROPRIETOR,

LAKSHMIPURAM.

Dated 193

ಈ ಬರುವ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಬಲಾವಸಿಗಿ ಬರುವಂತೆ ವಿಶೇಷ ಬುದ್ಧಿ ಕೊಡು ನಾನು
ವೆಂಕಟಾಕೃಷ್ಣಯ್ಯನವರನ್ನು ಪ್ರಾರ್ಥಿಸುತ್ತೇನೆ. ಈ ಆಪೇಕ್ಷೆಗಳಲ್ಲಿ ನಮಗೆ ಯುಕ್ತವಿರುವ
ಅಭಿಪ್ರಾಯಗಳನ್ನು ಪಾಪರಸ್ಸು ತೆಗೆಸಿರು ಮಿ ಕೃಷ್ಣ ವಂತೆ ಮಹಾಸ್ವಾಮಿಯವರು
ಸಂತೋಷಪಡುವರು. ಮಹಾಸ್ವಾಮಿಗಳವರ ದರ್ಶನಕ್ಕೆ ಬರತಕ್ಕ ಜನಗಳು ನಮ್ಮವನಿಲ್ಲಿರು
ವರ ಹಣ್ಣುಗಳನ್ನು ಪಾಸಿಸುತ್ತಾರೆ: ಪ್ರಸಾದಗಳ ಕೃಷ್ಣವಾಗಿ ಮಹಾಸ್ವಾಮಿಯವರ
ಬಳಿಯಿಂದ ತೆಗೆದುಕೊಳ್ಳುತ್ತೇನೆ. ಶ್ರೀ ಕೃಷ್ಣ ನಿರ್ವಿಕಲ್ಪಕ್ಕೆ ಪಾತ್ರವಾದ ಪ್ರಸಾದವನ್ನು ನಾನು
ಕೊಡ ಬಳಿಕಿಂದ ನಾನು ಬಳಿಕೊಳ್ಳುತ್ತೇನೆ.

ಜಗದ್ಗುರುವರನ ಅನುಗ್ರಹದಿಂದ ಈ ವಿಷಯದಲ್ಲಿ ಕೃತಕೃತ್ಯನಾಗಿ ಮಹಾಸ್ವಾಮಿಯವರ ಮನಸ್ಸಾಕ್ಷಿಯಂತೆ ನಾನು ನಂಬಿದ್ದೇನೆ

ಮಹಾಸ್ವಾಮಿಯವರ ದಾಸ ಸೇವಕ.

M. Venkata Krishnayya

N.B.—Should routine notes be written on small slips the notes must be copied, or slips pasted on this form

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IN THE COURT OF THE CITY MAGISTRATE, MYSORE.

Dated this 31st day of March 1934.

Present:- D.C. Subbarayappa, Esq., B.A., B.L.,
City Magistrate, Mysore.

Criminal Case No. 113 of 1932-33.

Complainant

Government.

(By the City Crime Branch)

Prosecution conducted by Mr. K. Ramaswamy,
Public Prosecutor and Messrs. S. Krishna Murthy
and H.S. Rangachar, Prosecuting Inspectors.

Vs.

Accused

1. A.N. Surya Narayana Rao, Chamundy Extension Mysore.
2. Rama Sethu, Weavers' Lines, Mysore.
3. Venkatakrishna, Mandy Mohalla, Mysore.
4. Gopala Setty, Venkataiyana Chuttram, Chamarajanagar Taluk.

(By Messrs. K. Seshadri, T. Ranga Rao, M.S. Krushna Iyengar, P. Rangaswamy Iyengar, M.S. Krishnaswamy Rao, P.R. Narasimhachar and Pranesha Rao).

Judgment

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Judgment

The City Police placed a charge sheet against the accused under sections 392 and 426 of the Indian Penal Code stating that, at about 8 P.M., on the night of 9th October 1932 when a Tonga driver by name Mohammed Usmon had left his Shah Pasand tonga with its pony near the Krishna Cinema at Mysore the accused beat him and took away the tonga by force without his consent, thereby causing hurt and wrongful loss to him.

2. The case was taken on file under the above sections and the prosecution examined 21 witnesses to prove the same. A charge was framed against the 2nd accused for robbery under section 392 of the Indian Penal Code and against the other three accused for abetment of robbery under section 392 read with section 114 of the said Code. The accused denied the charges brought against them and examined 39 witnesses in all for the defence. Each of them pleaded an alibi and contended that they were not at all present at the scene of offence, but the Police had concocted a false case against them.

3. The 1st accused, who is said to be a Congress worker, filed a written statement saying that he was at one time a Government servant but had given up service and taken to the propagation of Khadi and Swadeshi and that at about 7-30 P.M. on the date of occurrence he was not parading a portrait of Mahatma Gandhi in the procession route as alleged by the prosecution, but was engaged in selling literature relating to khadi and in propagating the Swadeshi cult. He then went to the Exhibition grounds and remained there till 10.15 P.M attending to the same pursuit there also. He added that the occasion being one on which there was a huge concourse of people on account of the procession of His Highness the Maharaja it would be impossible for any one to commit robbery of a tonga as alleged by the prosecution without creating an uproar among the Mohammedan tonga drivers present at the spot and invoking

invoking public sumpathy to the pitiable plight of the tonga driver who was deprived of his tonga by force.

4. The defence put forward by the 2nd accused was to the effect that he was an employee in the General Engineering Company at Mysore who were Agents for the Ford Automobiles and that he was on duty in the Company's stall in the Exhibition grounds till 7-10 P.M., on the date of the alleged occurrence. He went home at 7-45 P.M., took his ladies in a Bus to view the procession at 9-10 P.M., and could not therefore have taken any part in the robbery at an earlier hour.

5. The 3rd accused, who is said to be a Bill Collector under a Mohammedan money lender, put forward a defence that at the time of the alleged occurrence he was engaged in collecting instalments due from various customers in different parts of the city.

6. The 4th accused, who is said to be a native of Venkataiyana chuttram in the Chamarajnagar Taluk, stated that he left his village in the evening to view the Dasara procession at Mysore and arrived here by the Chamarajnagar ~~the~~ train after 9 P.M., and could not therefore have taken part in the robbery at an earlier hour.

7. Before going into the merits of the case, it appears desirable to make a brief reference to the dilatory and obstructive tactics adopted by the accused for retarding the progress of the case from time to time and in particular to one incident which deserves special mention. At one of the hearings of the case on 5th July 1933, two of the learned counsels, who were appearing for the 2nd accused in the case, took an adjournment representing that they had filed a revision petition before the District court and the High court on the charges that had been framed in the case. But at the

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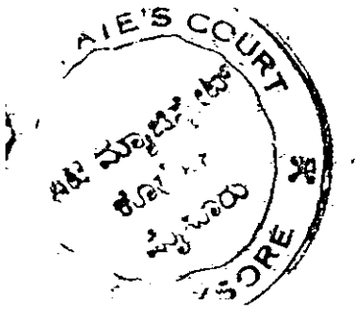
the next date of hearing on 12th July 1933, the 2nd accused came forward with an application saying that no revision petition had been filed as alleged and praying for another adjournment to file such a petition. His application was automatically rejected and the attention of the counsels concerned was drawn to the following observations of a Full Bench of the Madras High court reported in 131 Indian cases 145:-

> A legal practioner who asks for adjournments on different occasions merely to delay the course of justice with deliberate intention is guilty of grossly improper conduct and renders himself liable to punishment. He has not only got a duty towards his client, but he has also got a duty towards the court and it is his duty to see that the case is fairly and honestly conducted. He must not trick or deceive the court or attempt to gain for his client an advantage by dishonest means."



8. The facts of the case may now be briefly stated. The date of occurrence was 9th October 1932 which happened to be the last day of the Dasara on which His Highness the Maharaja goes in procession to Banni Mantap and after performing Sami puja and reviewing the troops returns to the Palace in procession illuminated by myriads of electric and other lights. As has been vividly described in a well-known Hand Book on the Capital City of Mysore, the procession includes several elephants and camels in all their war paint; fife and drum and other Palace bands; the Imperial Service Cavalry and Infantry as well as the Body Guard and other Palace troops; besides the bearers of the royal insignia and the Durbarees in Palace Uniform.

9. People from all parts of the City as well as outsiders from within and beyond the State are massed everywhere in large numbers radiating cheerfulness and joy all round. Trees near the beflagged and decorated route bear a load of human blossoms. Specially erected stands seat hundreds of women and children who also crowd every roof, doorway and window forming with their big bright eyes and gleaming colourful saris a more decorative scheme than the flags and carpets flung over balcony and railing. All along the way, showers of rose and jasmine flowers testify to the delight which subjects of the State as well as visitors from outside feel at an opportunity of showing something of the love and admiration which His Highness inspires in every one. Behind the procession as well as on either side, a huge mass of people close in and surge prismatically after it with the main object of having darshan of one of the most saintly Maharajas in the whole of India and paying respectful homage and obeisance to him.

10. Such was the day selected by the accused for the committal of the offence complained of They took mean advantage of the slightest provocation that offered itself and taking leave of all reason and good sense for the time being, chose to act in a manner which no loyal citizen of the State could approve of. After the royal procession had left for the Bānni Mantap, they came to know that a boy by name Ramu, a brother of the 3rd accused, had been beaten by a Police Constable No. 303 of the Special Reserve force and this served as a proper pretext for them to break the law and disturb the tranquillity of the historic occasion.

11. This boy has been examined as a defence witness (No. 38) and he has deposed to say that he was in a weak

weak state of health on the Vijaya Dasami day as he was suffering from ague without intermission for the previous 15 or 20 days. He came to view the Dasara procession near the Clock Tower and was caught in the crowd of people. He received a slap on the cheek and a blow on the back from a Policeman who was controlling traffic at the time. The force used against him might have been small in itself judging from his own statement as well as from the deposition of Dr.Venkatasubba Rao who has testified to the fact of having found no external injuries on his person when he was admitted to the Hospital. But the accused took this as a handle to create trouble and commit acts for which there could possibly be no sort of justification.

12. In the guise of championing the cause of the injured boy, instead of adopting constitutional methods to have the grievance, if any, remedied, they decided to make a demonstaration before His Highness during the return procession by setting afloat a false rumour to the effect that the boy had actually been beaten to death by the Police They apparently wanted some vehicle to place the boy in and resorted to the Jutka Stand near the Krishna Cinema close to the Silver Jubilee Clock Tower and impressed the tonga of a small boy by name Mohammed Usmon for the purpose. The boy naturally resented their interference and declined to allow the tonga being carried away without his consent and against his will. But one of the accused managed to take it away by force with the aid of the other accused after giving a blow to the boy and causing hurt to him.

13. The accused then dragged the tonga from the Jutka Stand after smashing the bamboo barricades that had been put up close by and took it in the Clock Tower road up to the shop of Krishniah Chetty where it was allowed to

to remain till after the return procession reached the Palace. This they chose to do in spite of the protests of the boy who was in charge of the tonga in the Jutka Stand as well as of its owner and in spite also of the attempts of the Police to remove it from the place where it was left which happened to lie in the procession route that had been closed for vehicular traffic at the time in accordance with the instructions issued by the District Magistrate. As if this was not enough mischief, they unharnessed the pony that had been tied to the tonga and allowed it to stray without caring for the interests of its owner.

14. The owner searched for the animal all through the night and found it by chance in the Government House compound without any of its trappings and the tonga itself was traced in the compound of the Krishnarajendra Hospital in a seriously damaged condition with most of its parts broken and rendered absolutely unfit for further use.

15. Early next morning, both the tonga boy and his master complained to the Police who took up the investigation, seized the tonga under a mahazar, arrested the accused had them identified at an identification parade and eventually placed a charge sheet against them for robbery and mischief as above.

16. Before going into the evidence adduced in the case, it appears desirable to examine the law relating to the offence of robbery. The essential ingredients of this offence are that the accused should have committed theft, and that he should have caused hurt in the commission of such theft. In order to constitute theft, there must be a dishonest intention to take property; the property should be moveable; it should be taken out of the possession of another person without the consent of that person and there must be some removal of the property.

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must be some removal of the property in order to accomplish the taking of it.

17. It is not necessary that the property should have been removed out of its owner's reach. The least removal of the thing taken from the place where it was before is a sufficient transportation of the thing to constitute a removal. Such taking need not be with the intention of retaining the property permanently. The motive with which the property is taken is immaterial and it matters not whether the intention of the thief was or was not with a view to derive a profit from his crime. The intention to take dishonestly exists when the taker intends to cause wrongful gain to one person or wrongful loss to another.

18. Applying the above principles to the facts of the present case, we find from the evidence of Pw 1 Mohamed Usmon, who is a little boy of 15 or 16 years of age, that he was a driver of a tonga belonging to Pw 2 Abdul Wahab. On the Dasara procession day of 1932, he had left the tonga and pony in the Jutka Stand near the Krishna Cinema at 7-30 or 8 P.M., and had gone to see the tamash. When he returned to the Stand after a little while, he found to his astonishment that the tonga had been taken possession of by the accused and a boy by name Kapu had been made to lie down in it.

19. Accused 1 and 3 were seated in the tonga, one having the boy on his lap and the other engaged in fanning him. Accused 2 was standing by its side and asked the boy to drive the tonga for hire up to the clock tower. The boy told him that he did not care for the hire and would not drive the tonga as desired as that was likely to involve serious damage to the vehicle and asked him to remove the boy from the tonga. Accused 2 thereupon gave a blow on his mouth and accused 1 got down from the tonga

tonga and both of them dragged it away along the Clock Tower road.

20. The tonga boy ran crying to his employer and reported to him what all had happened. The latter hastened to the spot only to find the tonga missing in the Jutka Stand where it was originally. Both of them found it in the road near Krishniah Chetty's shop and the accused not only declined to allow its being taken back, but also cut the reins of the pony and allowed it to run away. Both the master and servant went in search of the animal and found it later on in the Government House compound and the tonga itself in a damaged condition in the compound of the Krishnarajendra Hospital.

21. The above version of Pw 1 has been corroborated in material particulars by the evidence of his employer Pw 2 as well as Pws 3 to 5 and 13 who are themselves tonga drivers who happened to be present with their tongas in the Jutka Stand at the time of the alleged occurrence. Two disinterested and respectable witnesses like Mr. Nilgiri Sanjivaiya and Mr. Mohamed Sait (Pws 13 and 18) also speak to the incident and to the part played by the accused therein. This finds further support from a third disinterested and respectable witness Mr. K.R.Srinivasa Iyengar, Barrister-at-law who has been examined as a Defence witness (No.7). He speaks to his having seen the 2nd accused near the tonga in front of Krishnaiah Chetty's shop between 8-30 and 9-30 A.M., at a distance of only 10 or 12 feet from him. He also saw the 3rd accused seated in the tonga along with his brother Ramu who was lying down in it with a shirt and dhoti on. He went near the tonga and found that the boy who was said to be unconscious was not really so as he was able to take a drink of soda water after a couple of minutes.

22. Inspector Puttanna and Jamedar Hyder Ali Khan (Pws 16 and 17) also speak to the whole incident and there is no reason why they should not be believed simply because they happen to be Police officers. Dr.K.Rama Rao (Pw 19) speaks to the injuries found on the person of the tonga boy when he was examined by him. Pws 2 and 21 speak to the ownership of the tonga and Inspector D.Rama Rao (Pw 14) speaks to the details of the investigation including the identification parades held by him. I have examined the evidence relating to these parades and am satisfied that all necessary precautions have been taken in getting the accused identified and there appears to be no room for suspicion in this respect. Not only the tonga drivers who are the direct eye witnesses of the occurrence but also respectable people like Messrs Nilgiri Sanjivaiya and Mohamed Sait have identified the various accused that took part in the occurrence. Besides, it has to be remembered that the accused are well known to most persons in Mysore including the tonga drivers - the 1st as a Gandhi Lecturer, the 2nd as a rider of a Motor Cycle and the 3rd as a bangle seller and no one could possibly mistake their identity.

23. Turning next to the defence of alibi put forward by each of the accused, we find that, except in the case of the 4th accused who is said to have arrived from a moffusil village in the Chamarajanagar Taluk after 9 P.M., on the date of the alleged occurrence, the evidence put forward in this behalf is not entitled to much weight. For, as explained in an Essay on Circumstantial Evidence by Wills, of all kinds of exculpation, the defence of an alibi, if clearly established by unsuspected testimony, is the most satisfactory and conclusive. If the element of time be definitely and conclusively fixed and the accused

accused is shown to have been at some other place at the time, this defence is absolutely incompatible with and exclusive of the possibility of the truth of the charge.

24. But is is obviously essential to the proof of an alibi that it should cover and account for the whole of the time of the transaction in question or at least for so much of it as to render it impossible that the accused could have committed the act attributed to him. It is not enough that it renders his guilt improbable merely. If the time is not exactly fixed and the place at which the accused is alleged to have been present is not far off, the question then becomes one of opposing probabilities.

25. The credibility of an alibi is greatly strengthened if it be set up at the moment when the accusation is first made and is consistently maintained throughout the subsequent proceedings. On the other hand, it is a material circumstance to lessen the weight of this defence if it is not resorted to until some time after the charge has been framed as in the present case.

26. This defence is especially easy of fabrication in regard to the essential element of time where a few minutes may be vital moment and the unblushing effrontery with which witnesses sometimes present themselves to speak to time without regard to plausibility or consistency is truly surprising.

27. In the light of the principles enunciated above, hardly any weight could be attached to the evidence of the alibi put forward by each of the accused as detailed in paragraphs 3 to 5 supra. There is besides a lot of intrinsic weakness in the evidence itself as there are several discrepancies and improbabilities between the evidence of one witness and

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22. Inspector Puttanna and Jamedar Hyder Ali Khan (Pws 16 and 17) also speak to the whole incident and there is no reason why they should not be believed simply because they happen to be Police officers. Dr.K.Rama Rao (Pw 19) speaks to the injuries found on the person of the tonga boy when he was examined by him. Pws 2 and 21 speak to the ownership of the tonga and Inspector D.Rama Rao (Pw 14) speaks to the details of the investigation including the identification parades held by him. I have examined the evidence relating to these parades and am satisfied that all necessary precautions have been taken in getting the accused identified and there appears to be no room for suspicion in this respect. Not only the tonga drivers who are the direct eye witnesses of the occurrence but also respectable people like Messrs Nilgiri Sanjivaiya and Mohamed Sait have identified the various accused that took part in the occurrence. Besides, it has to be remembered that the accused are well known to most persons in Mysore including the tonga drivers - the 1st as a Gandhi Lecturer, the 2nd as a rider of a Motor Cycle and the 3rd as a bangle seller and no one could possibly mistake their identity.

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another. It cannot therefore by any means over-ride the positive evidence adduced by the prosecution regarding the presence of accused 1 to 3 at the scene of offence and the part played by each of them in the drama.

28. The case is however different in regard to the 4th accused. The tonga'loy has himself made a mistake in regard to him and his alibi is somewhat different from that of the other accused. It appears therefore disirable to extend the benefit of the doubt to him. I order accordingly and acquit him of under section 258 of the Criminal Procedure Code.

29. I also find the 2nd accused guilty under section 392 of the Indian Penal Code and the 1st and 3rd under section 392 read with section 11 of the said Code. I sentence each of them to rigorous imprisonment for 2 years and a fine of Rs 100/- and in default to a further term of rigorous imprisonment for 6 months. The whole of the fine recovered will be paid to the Tonga owner Abdul Wahab as compensation for the damage caused to his tonga.

30. Pronounced in open court.

Sd/-K.G. Subbarayappa,
City Magistrate, 31-3-34.

"C O P Y"

B. O.
M. U. Ebrahim Rao
H.C. Clerk
31-3-34

Appendix to Criminal Case No. 113 of 32-33.

The following witnesses were examined for Prosecution :-

1. Mohammad Usman. 2. Abdul Wahab. 3. Jani (a) Abdul Rahim. 4. Muhamed Khasim (a) Khas 5. Chote Sah (a) Mohadeen Nawab (a) Lawyer. 6. Narasimhaich. 7. Nataraj Naik. 8. Venkataramaiah 9. R. Srinivasa Rao. 10. Venkataiah. 11. Narasa. 12. Abdul Wahab (a) Sab Jan. 13. Mr. K. Sanjeevaiah. 14. Mr. D. Rama Rao. 15. Mujamil Imamsha. 16. Mr. Puttappa. 17. Hyder Ali Khan. 18. Mr. Mohammed Said. 19. Mr. K. Adam Rao. 20. Mr. Venkata Subba Rao. 21. Subedar Mr Jettappa.

The following exhibits were filed for Prosecution :-

Exhibit P1. Statement of Mohamad Usman Ex 1 recorded on 10-10-32 by the Police Inspector Crime Branch Mysore city.

-do- P2. Statement of Abdul Wahab Ex 2 recorded on 10-10-32 by the Police Inspector Crime Branch Mysore city.

-do- P3. Medical certificate.

-do- P3(a) Postal cover.

-do- P4. Requisition to Medical officer K.R.S. Hospital dated 11-10-32.

-do- P5. Accident Register maintained in K.R. Hospital Mysore.

-do- P6. List of in-patients admitted into K.R.Hospital on the night of 9-10-32.

-do- P7. Receipts for payments made by Abdul Wahab.

-do- P8. -do-

-do- P9. Receipt for payment made by Abdul Wahab.

-do- P10 to P19. Receipts for payments made by Jettappa.

-do- P20. Ledger book maintained by P.W.21 Mohamad Usman (a) Munnoo Sab (L.H.for 3rd accused)

-do- P21. Entry on a one page of in Exhibit P20 account relating to L.H.19 Laksman Singh.

The following witnesses were examined for Defence :-

1. K. Srinivasachar. P. Sr. L. Krishna Iyengar. 3. M. Sreenivasa Iyengar. 4. Govinda Mudaliar. 5. C.N. Varadaraj. 6. B.S. Garudachar. 7. Sri.R.L. Srinivasa Iyengar. Nagesan. 9. Venkatagiri. 10. A. Sreekanta Sastry. 11. Abdul Khader Sait. 12. Yacoo Sait. 13. Kodivaleda Ve... ramanappa. 14. Chinnaiya. 15. Sri.T. Venkatarangappa. 16. K.B. Sundararaja Iyengar. 17. C. Krishnaswamiengar. 18. S.Seetharamaiya. 19. Lakshmanasingh. 20. Abdul Rahiman. 21 Mohamed Hussain (a) Subboo Sab. 22. Muddu Malliah. 23. Nanjunda Setty. 24. T.K. Gopalachar. 25. Venkatasubba Setty 26. Rangachar. 27. B.T. Narasiah. 28. S. Shama Rao. 29. Badari Prasad. 30. T.Narayana Rao. 31.E. Vasudeva Rao. 32. Narayana Sastry. 33. Sri.T. Chenna Iyengar. 34. T.S. Narasimha Moorthy. 35. Sri. L. Chenna Iyengar. 36. T.S. Narasimha Moorthy. 38. K.S. Garumoorthy. 39. Sri.S.V. Krishnasamy Iyengar. 37. ... Thimmegowda. 38. Ramgo. 39. S. Krishna Iyengar.

The following exhibits were filed for Defence :.

Exhibit D1. Portion marked in red ink in the statement of PW 6 Chota Sab (a) Mohedeen Sayeb before the Police.

-do- D2.

-do- D3. Portion marked in red ink in the statement of PW 8 Jani (a) Abdul Rahim before the Police.

-do- D4. Account Book produced by the Defence witness No. 18 Kodiyeleda Venkataramaraja.

-do- D4(a) Entry of 8-12-0 on 10-10-32 made in Ex D4.

-do- D5. Account book produced by the Defence witness No. 19 Lakshmana Singh at the time of the examination.

-do- D5(a) Entry made in the book for payment on 9-10-32 in Exhibit D5.

Exhibit D 6. Account book produced by the defence witness No. 21 Mohammad Hussain (a) Sunnoo Sab at the time of his examination.

-do- D6(a) Entry made in Exhibit D6 Page No. 34 on 9-10-32.

-do- Do 7. Entry made on 4-10-32 in Exhibit P20 Ledger book of Dw 21 for payment of Rs 37-8-0 to Dw 19 Lakshmanasingh (Page No. 80.)

-do- D 8. -do- 9-10-32 in Exhibit P20 Ledger book of Dw 21 for receipt of Rs 0-6-0 Page No. 80 from Dw 19 Lakshmana Singh.

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IN THE COURT OF THE CITY MAGISTRATE, MYSORE.

dated this 31st day of March 1934.

Present :- M.C. Subbarayappa, Esq., B.A., B.L.,
City Mahastrate, Mysore.

Criminal Case No. 130 of 1932-33.

Complainant

Government (By the City Crime Branch)
Prosecution conducted by Mr. K. Ramaswamy Public Prosecutor and Messrs S. Krishna Murthy and B.S. Rangachar, Prosecuting Inspectors.

Vs.

Accused

1. A.N. Surya Naryana Rao.
2. Rama Setu, Weavers Lines Mysore.
3. Lakshmana Nair, Nazarbad Mysore.
4. Ramaswamy Devaraj Mohalla Mysore.
5. Gopala Setty Venkataiyana Chuttram Chamarajanagar Taluk.
6. Venkatakrishna near Mandy Police Station Mysore.
7. Vishakantaiya, Ane Sarotu Street, Mysore.
8. Kariya (a) Kalaiya, Vokkalageri, Mysore.
9. Nanjoo.
10. Seena conductor V.R. Brothers Bus service, Mysore.
11. Devaraj Driver C.F.C. Bus service Mysore.
12. Subbaiya Erangere, Mysore.
13. Thagadaiya Ane Sarotu Street, Mysore.
14. Sreenivasachari Chamarajpet, Mysore.
15. Kulla.
16. Siva.
17. Nagoo, Cleaner Vishnu Motor Service, Mysore.
18. Shiva, conductor, V.R. Brothers Rama Singh Pet. Bangalore

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19. Srikantiah, Benki Nawab Street, Jalapuri
20. Melaiya Mandy Mohalla, Mysore.
21. Muchaiya Belli Kattige Peesal Mysore.
22. Bacha Sab (a) Syed Ziauddin Mandy Mohalla Mysore.
23. Krishna Singh Mandy Mohalla Mysore.
24. Narayana Murthy Advocate's Clerk Mysore.
25. Muddaiya, Devaraj Mohalla Mysore.
26. Ameer (a) Rahman Beig (a) Oomer Beig Drangere Mysore.
27. Venkaji Mandy Mohalla, Mysore.
28. Puttasamy Ane Katerotu Street, Mysore.
29. Perumalu Ane Katotu Street Mysore.
30. Narasimha Iyengar Krishna Vilas Agrahar, Mysore.
31. Narasimhaiya Devaraja Market Mysore.
32. Lakshmana Dass Mandy Mohalla Mysore.
33. Sundararaja Naiker, Mandy Mohalla Mysore.
34. Krishnappa, Beedi shop keeper, Mandy Mohalla Mysore.
35. M.R. Sadasiva Sastry, Chamarajpet, Mysore.
36. Sambhulingaiya, Sankar Studio, Post office Road Mysore.

Defence conducted by Messrs. M. Srceniyasa Iyengar, R. Seshadri, A. Che[illegible]nsavaiya, M. Rajagopala Iyengar, S. Sundara Rao, C.L. Subba Rao, M.S. Krishna Swami Rao, M. Kasturi, Pranesha Rao, P. Rangasamy Iyengar and R. Venkataramaiya.

Judgment

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Judgment

The City Police placed a charge sheet against the accused under sections 144, 147, 186, 332 and 353 of the Indian Penal Code stating that on the night of 9-10-33 they formed themselves into an unlawful assembly and committed rioting, caused obstruction to public servants in the discharge of their public functions and assaulted or caused hurt to public servants in the execution of their duty as such public servants under the following circumstances.

2. The date of occurrence was the Vijaya Dasami or the last day of Dasara which fell on 9th October 1932. Some days prior to this date on 1st October 1932, an order had been issued by the District Magistrate of Mysore as usual on such occasions that the route of the royal procession from the fort to the Banni Mantap should be closed at 3 P.M., on that date and remain closed for all vehicular traffic till the return of the royal procession into the fort. The route was also guarded by the Police throughout and all traffic was regulated by them.

3. Early in the evening of the above date, accused No.1 Suryanarayana Rao and a handful of his followers were seen carrying a portrait of Mahatma Gandhi in the closed area and he was warned by the Police not to carry the miniature procession along the route of the royal procession. But in spite of the warning, they managed to pass along the Doddapett road and at 7-30 P.M., they were seen approaching the Statue Square where they were asked by the Police officers on duty to disperse. They accordingly dispersed in the direction of the Rangacharlu Memorial Hall in the compound of which some of them were seen grouping together here and there.

4. From 8 P.M., the accused named above and others

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others joined the crowd of spectators near the clock Tower and began to incite the public to disobey traffic instructions to encroach upon the route of the procession, to cause obstruction to the Police on duty and otherwise hamper and embarrass them in their work of maintaining order in the route.

5. At about 9 P.M., the accused set afloat a false rumour to the effect that a boy by name Rasul (brother of the 6th accused) had been killed in consequence of rough handling by the Police and they eventually managed to place the so-called dead body of the boy in a Shah Ingand tonga which they forced into the closed thoroughfare with the idea of making a public demonstration before His Highness the Maharaja. During the confusion that followed this incident and for a long time thereafter, the accused incited the mob to attack the Police officers on duty with the result that several Policemen received injuries on their person from the pelting of stones, brick bats and bamboo sticks. Officers that tried to disperse the mob for regulating the traffic and restoring order were obstructed and prevented from discharging their duty as the incited mob began to attack the Police in all directions.

6. The case was taken on file under the above secti and the prosecution examined 58 witnesses to prove the same. The accused pleaded not guilty and most of them put forward a plea of alibi saying that they were not present at the scene of offence at the hours named, but were at some other place in the city. They examined 54 witnesses in all for the defence. The 1st accused also filed a long written statement towards the close of the case on 8th March 1934, stating among other things.

1. that some of the Police officers had behaved

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behaved high-handedly towards the public who had gathered in large numbers to view the procession of His Highness the Maharaja and they had concocted this case to exonerate themselves from blame;

2. that it was not true that he carried on a miniature procession of the portrait of Mahatma Gandhi as alleged by the Prosecution, what he was actually doing being to carry on Swadeshi propaganda and sell copies of a Kannada publication by name "Khadi Mahime." He finished this work by 7-30 P.M., and then went to the Exhibition building where he stayed till 10-15 P.M.,

3. that he then came to the Statue Square to view the procession and found some Police men mercilessly beating the people with their belts. He brought this to the notice of the higher officers who promised to take suitable action against the men concerned;

4. that within a few minutes later, an elephant ran amok and in the confusion that followed, people began to run about and a big crowd collected in front of Krishnaiah Chetty's shop;

5. that he then took his stand in front of the Town Hall and began to pacify the people and knew nothing of the tonga incident. The procession of His Highness then arrived near the Clock-Tower and the Police began to belabour the crowd. He too received a blow on his head from Inspector Puttanna and fell down and did not know what happened afterwards;

6. that the crowd was unarmed and harmless and if the Police had really found themselves unable to control the same by ordinary means, it was open to them to call the Military and quell the disturbance by surrounding the rioters;

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7. that he had not chosen to examine any defence witnesses on his behalf as several officers of Government whom he wanted to cite were afraid of the consequences if they deposed on his behalf; and

8. that Government had appointed Mr. C.R. Rajagopalachari as a Special officer to enquire into the disturbances and people who were afraid of giving out the truth in this court had revealed the real facts before him. His report may therefore be obtained and perused in the interests of justice.

7. Of the 36 accused named in the charge sheet, two namely No. 9 and 16 Nanjoo and Siva, were given up as they were absconding and proceedings were taken against the remaining 34. Seven of these, namely No. 10, 15, 17, 21, 28, 32 and 34 Seena, Lulla Nagu, Ruchaiya, Puttasamy, Lakshmana Boss and Krishnappa were discharged under section 253 of the Criminal Procedure Code on 20th April 1933 and a charge was framed under section 147 of the Indian Penal Code on the same date against the remaining 27 accused. Additional charges were also framed against some of those accused as follows :-

1. Against A1 Suryanarayana Rao, under section 332 of the Indian Penal Code, for causing hurt to a public servant Pw 35;

2. Against A7 Vishakantaiya under section 353 for using Criminal force to Pw 15 a Public Servant;

3. Against A.. Ranganaiya under Section 332 for causing ~~criminal~~ force to Pw 34 a public servant;

4. Against A19 Srikantaiya under section 353

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for using Criminal force to Pw 39 a public servant by throwing dust at him;

5. Against A 18, A20 and A 23 Thibbaiya, Kelaiya and Krishna Singh for causing hurt to Pw 36 a Public Servant; and

6. Against A 24 Narayana Murthy under Section 332 for causing hurt by beating Pw 35 a Public servant.

8. Of the 27 accused referred to above, one namely No. 26 Ameer (a) Rahmon Beig (a) Oommer Beig absconded after a charge was framed and he was given up as his presence could not be secured in spite of the forfeiture of the surety's bail bond amount. Another No. 27 Venkoji was reported as having died. The case is therefore only against the remaining 25 accused persons.

9. Before going into the merits of the case, it appears desirable to make a brief reference to the dilatory and obstructive tactics adopted by the accused for retarding the progress of the case from time to time- the main causes that contributed to the delay being as follows :-

1. Though the charge sheet was placed on 26-10-32, it was not possible to commence proceedings till 16- 12-32 as it was only then that the presence of all the accused was secured except that of No. 9 and 16 who were given up;

2. The Public Prosecutor who was in charge of the prosecution at the early stages of the case was unable to push through his work expeditiously in this court owing to pressure of engagements in other courts;

3. Some of the accused absented themselves on several dates of hearing and their security amount had to be forfeited to Government; and in one case, the accused had even to be remanded to jail with a view to secure his presence with certainty;

4. Several transfer applications and revision petitions were filed before the Sessions Judge, the District Magistrate and the High court the most prominent of them being those relating to the reservation of cross examination before charge and to the power of a magistrate to remand the accused to jail for absenting himself contrary to the terms of his bail bond, and

5. There was difficulty in securing witnesses cited by the prosecution as well as the defence and they were appearing only in driblets on each day of hearing.

10. The facts of the case as set out in the charge sheet have already been referred to above in paragraphs 2 to 5. The date of occurrence was 8-11-32 which happened to be the last day of the Durbar on which His Highness the Maharaja goes in procession to Kanni Kanta and after performing "Kanni Puja" and reviewing the troops returns to the palace in procession illuminated by myriads of electric and other lights. As has been vividly described in a well-known Hand Book on the Capital City of Mysore, the procession includes several elephants and camels in all their war paint, fife and drum and other palace bands, the Imperial service cavalry and infantry as well as the Body guard and

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and other palace troops, besides the bearers of the royal insignia and the Durbaree's in Palace uniform.

11. People from all parts of the City as well as outsiders from within and beyond the state are massed everywhere in large numbers radiating cheerfulness and joy all round. Trees near the beflagged and decorated route bear a load of human blossoms. Specially erected stands seat hundreds of women and children who also crowd every roof, doorway and window forming with their big bright eyes and gleaming colourful saris a more decorative scheme than the flags and carpets flung over balcony and railing. All along the way, showers of rose and jasmine flowers testify to the delight which subjects of the state as well as visitors from outside feel at an opportunity of showing something of the love and admiration which His Highness inspires in every one. Behind the procession as well as on either side, a huge mass of people close in and surge prismatically after it with the main object of having darshan of one of the most saintly Maharajas in the whole of India and paying respectful homage and obeisance to his

12. Such was the day selected by the accused for the committal of the offences complained of. They took mean advantage of the slightest provocation that offered itself and taking leave of all reason and good sense, chose to act in a manner which no loyal citizen of the state could approve of. After the royal procession had left for the Nanni Mantap they came to know that a man by name Ramu, a brother of the 8th accused, had beenbeaten by a Police constable and this served as a proper pretext for them to break the law and disturb the tranquillity of the historic occasion.

13. This boy hasbeen examined as a prosecution witness

(No. 58.)

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(No. 58) and he has deposed to say that he was in a weak state of health on account of ague. On the Vijaya Dasami night, he went to see the Imbara procession but was caught in the crowd. The Police dragged and kicked him and also gave a slap on his cheek. He felt giddy and fell down and did not know what happened afterwards. On re-gaining consciousness, he was in the Krishnarajendra Hospital in an upstair ward. From the evidence of Dr Puttaiya who has been examined as PW 57, this boy was admitted to the Hopital for what he described as injuries all over the body and pain in the abdomen. But on examination, no external injuries were found on any part of his body. He complained of pain every where but it was thought that he was merely malingering. Some days later, he developed fever and an examination of the blood revealed malarial parasites. He was then treated for malaria and was discharged cured after about a month.

14. In the guise of championing the cause of the injured boy referred to above, accused 1, 2 and 3 adopted a novel procedure in getting their grievance redressed by deciding to make a demonstration before His Highness during the return procession by setting afloat a false rumour that the boy had actually been beaten to death by the Police. They thereupon robbed a tonga boy by name Mohamed Usman of his tonga, placed the injured boy therein dragged it from the Jutka Stand near the Krishna Cinema and took it in the Clock Tower road up to Krishnaiya Chetty's shop where it was allowed to remain till after the return procession reached the Palace. This naturally formed the centre of attraction to the people that had come for viewing the procession and were passing about here and there and they formed themselves into a crowd round the tonga. The Police officers on duty attempted to remove the tonga from the place as it happened to lie in the procession

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procession route that had been closed for vehicular traffic at the time in accordance with the instructions issued by the District Magistrate. They also gave orders to the crowd to disperse. But their words were not heeded. The accused who happened to be in the crowd not only disobeyed the instructions conveyed to them by the officers on duty but also committed acts of hooliganism by assaulting some of the officers engaged in the discharge of their duty and throwing stones at the crowd.

15. The Police probably thought that the occasion was not opportune to take drastic measures for dispersing the crowd by invoking the aid of the military or opening fire under orders of a competent authority. They exercised great restraint in this behalf and contended themselves in deciding to take action for booking the offenders. They accordingly took up the investigation and placed a charge sheet against the accused as above.

16. Before going into the evidence adduced in the case, it appears desirable to examine the law relating to unlawful assemblies and rioting. This has been very exhaustively discussed by Chief Justice Raja Dharma Praveena P. Sadasivaiya in the case of Subramanyam V. Government of Mysore reported in 35 Mys H.C.R.423 and I cannot do better than quote a few extracts from the judgment in the case.

17. Whatever may be the object or purpose of meetings of great numbers of people, however peaceful the first intention, the very fact of the combination of masses of men is pregnant with danger, since a great aggregation of physical force can be easily set in motion by any exciting influence, without any adequate means of checking or controlling it, ready to be applied on the instant.

18. An assembly may be perfectly lawful at its

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its inception, but it may become suddenly unlawful without previous concert among its members. The way in which assemblies may not under excitement has been very aptly described in the following celebrated passage by Chief Justice Tingal at the trial of the British rioters :-

> " No man can foresee at the commencement what course they will take or what consequences will ensue. Though cases may occur in which the object of such assemblies is at first defined and moderate, they rapidly enlarge their power of mischief- and from the natural effect of the excitement and ferment inseparable from the collection of multitudes in one mass, the original design is quickly lost sight of and men hurry on to the commission of crimes which at their meeting they had never contemplated. The beginning of tumult is like letting out of water; if not stopped at first, it becomes difficult to do so afterwards; it raised and increases until it overwhelms the fairest and the most valuables works of man."

16. The same principle is enunciated in a case reported in the English & Empire Digest, the facts of which are on all fours with those of the present case. In that case, the accused led a parade of unemployed men through the streets of a city, the purpose being to demonstrate the extent of unemployment and to excite public sympathy. The Chief Constable forbade the accused from leading the parade through a certain restricted area in the city but the accused refused to obey and was arrested by the police. He then instructed his followers to enter the restricted area in defiance of the police and they carried the parade through the restricted area afterrushing

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pushing the Police aside. No physical violence using bodily harm resulted, apparently because, the Police realised the wisdom of yielding to a crowd of men who were unarmed and apparently harmless. It was held that the accused was a member of an assembly lawful at its inception, but unlawful in its execution, because it was determined to meet force by force and to resist the officers of the law. (R. v. Peterson 55 Canada Criminal cases 218)

20. If the assembly was originally an innocent one, it will become illegal as soon as from any cause its purpose is changed into an unlawful one or by subsequent unlawful acts of its members and sometimes even without previous concert among the members. No one who intentionally joins or continues in an assembly which is or has become illegal is allowed to say that he was merely a harmless spectator. If any person encourages or promotes or takes part in riots, whether by words, signs or gestures, he is himself a rioter. Active participation in actual violence is not necessary.

21. Applying the above principles to the facts of the present case, we find that the occurrence of a disturbance on the night in question has not been seriously disputed. That accused No. 1, 2, and 8 robbed a tonga for the purpose of putting therein a boy who is said to have received injuries at the hands of the Police and took it in a road which had been prohibited for vehicular traffic and left it in front of Krishnaiya Chetti's shop has been satisfactorily proved by the evidence of a number of witnesses and in particular PWs 47, 48, 49 the tonga drivers. It was at this juncture that the Police tried to enforce order and the accused deliberately disobeyed their direction and made the situation serious and unmanageable

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22. It is no doubt true that at the initial stages who had congregated near the Statue Square were not actuated by any common unlawful object. Their object was merely to ventilate their so-called grievance by exhibiting the body of the injured boy to the highest sovereign authority in the state. That might no doubt be considered as a perfectly legitimate object, but the means employed for ventilating the grievance were by no means such as to meet with the approval of any sane-minded individual. The procedure adopted by the accused to achieve their object was what might be expected from a riotous mob. What they did was - they broke the barricades that had been put up to prevent vehicular traffic from getting into the procession route and disobeyed the order of the District Magistrate as well as the directions issued by the Police for the maintenance of public tranquillity. The moment they decided to violate the order of the District Magistrate and began to cause obstruction to public servants in the execution of their duty by setting at naught their request to remove the tonga from the procession route, their common object must be held to have become unlawful. When the accused adopted such an attitude, they must certainly be held to have been actuated by an unlawful common object and anyone who is proved to have taken an active part or done an overt act or encouraged the carrying out of the object by word, sign or gesture must certainly render himself liable for an offence under section 147 of the Indian Penal Code.

23. The dire consequences of the unfortunate episode could have been averted if only those responsible for the same had only thought fit to ponder for a moment how inexpedient and inopportune it was for them to think of placing their supposed grievance about Police high handedness before His Highness the Maharaja when he was returning in

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in procession on a day like the Vijaya Dasami or if at least they had listened to the advice of well-meaning officers of Government and non-official gentlemen before it was too late. We have it in evidence that several Police officers who were on duty at the spot or drawn there in connection with the disturbance begged of them to give up their dogged pertinacity and promised to enquire into the root cause of the trouble and so did several private gentlemen. Even a high placed officer on the personal staff of His Highness the Maharaja (Pw 54 Mr. M. Rama Rao) when he learnt from the crowd that the Police had killed half a dozen people and they (the crowd) wanted to show to His Highness one of the "Lead bodies" placed in a tonga, gave a kindly hint to them that that was not the proper thing to do and assured them that, if only they behaved like peaceful citizens by clearing the way, he would be only too glad to come back again after the procession had reached the Palace, hear their grievance in detail and place the matter before His Highness. But they were inexorable and never cared to listen to his advice. Instead, they flouted him by saying "No; you are all one. Once the procession passes, nobody will come and enquire."

24. The witnesses for the prosecution may be divided into three groups-(1) consisting of those who speak to the previous conduct of the assembly; (2) of those who speak to the incidents during the course of the disturbance; and (3) of those who speak to the incidents after the dispersal or the assembly. The first group consists of 18 witnesses (No. 10, 14, 17, 20, 23, 28, 29, 33, 34, 35, 36, 38, 40, 41, 47, 48, 49 and 58) including the injured boy Lamu who is the root cause of the whole case. His evidence has already been adverted to in paragraph 18 Supra. The evidence of Sub Inspector Thimme Gouda, Jamedar Hyder Ali Khan, Inspectors

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Inspectors Puttanna and Channa Iyengar who were the officers on duty near about the scene of offence is entitled to particular attention in this group as they were in a position of vantage to know what were all the indidents that took place and who were the persons that took part therein. So also that of Mr. Mohammed Sait whose place of business was at the time situated quite close to the scene of offence and who was present there from early in the afternoon till late in the night. All these speak to the incidents prior to the tonga affair when trouble was still brewing and gathering force. The other witnesses in the group speak to the excited condition of the members of the unlawful assembly and as to how they were being warned by the Police against creating unnecessary disturbance and obstruction to traffic.

25. The second group of witnesses consists of Nos 1 to 9, 11 to 41, 43, 45, 47, 48, 51, 53, 54, 56 & 59. Some of these are common to group 1 also. They give descriptio descriptions of the main incidents near Krishnaiya Chetty's shop the gist of their story being that the crowd had collected round the tonga and in spite of the cajoling of the Police officers on duty to clear the road and disperse, they did not budge an inch but went on creating trouble in a spirit of vindictive pertinacity. The evidence of Mr. C. Machaiah who was then an Assistant Superintendent of Police in this city, and also of the other Police witnesses in this group is entitled to particular attention; and so also that of private Gentlemen like Mr. Mohammed Sait and Mr. B.S. Puttaswamy. Mr. Machaiya has deposed with a characteristic frankness what all he observed when he came to the spot on horseback after hearing that there was some disturbance. He testifies to his having found the crowd round about the tonga in a state of great confusion and also in a very angry and violent mood. They threw mud and pelted stones

stones and became so unmanageable that he had to send for arms and ammunition to be arranged for an emergency.

28. The 3rd group of witnesses consists of 14 People (P.W. Nos. 24, 28, 29, 32, 34, 37, 39, 40 to 44, 48 and 50) including the two Doctors who treated the 20 injured persons admitted after midnight on the day of occurrence and rendered first aid to them. Most of the injured persons were Police men who have also spoken to the injuries sustained by each of them. The Defence Counsels tried to make much of the circumstance that the entry in regard to these injuries appeared in the Accident Register of the Krishnarajendra Hospital after the entry relating to the date 11th October 32. But a satisfactory explanation has been offered for this by PW 50 Dr Venkata Subba Rao and there is no reason to disbelieve the bona fides of the medical men in this behalf. The original order PO of the District Magistrate regarding the prohibition of vehicular traffic in the procession route after 8 P.M., has been produced by PW 55 a clerk of his office and a plan of the scene of occurrence has been produced by PW 52 who is the Sub Overseer who prepared the same.

27. Another point on which the Defence Counsels tried to cast some aspersions on the prosecution evidence relates to the Identification Parade which some of them characterised as a sham. That there is no substance in this contention is made perfectly clear from the evidence of the Assistant Superintendent of Police Dr. C. Machiah and Inspectors D. Rama Rao and Chenna Iyengar who all speak to the fact that the parade was conducted with all the necessary precautions prescribed in the Police Manual. It may also be pointed out in this connection that, as has been held in a recent decision of the Madras High Court reported in (1932) 8 Mad Cr.C.170, Identification Parades are held not for the purpose of giving

Defence Advocates material to work on, but in order to satisfy Investigating officers of the bona fides of the prosecution witnesses.

28. Having threshed out the prosecution evidence in its broad outline so far, we shall next proceed to consider the question as to how far the charges framed against each of the accused has been made out and which of them is entitled to the benefit of an acquittal. But before doing so, it appears desirable to elucidate the law on the subject of alibi which is the main defence put forward by most of the accused persons.

29. As explained in an Essay on Circumstantial Evidence by Wills, of all kinds of exculpation, the defence of an alibi, if clearly established by unsuspected testimony, is the most satisfactory and conclusive. If the element of time be definitely and conclusively fixed and the accused is shown to have been at some other place at the time, this defence is absolutely incompatible with and exclusive of the possibility of the truth of the charge.

30. But it is obviously essential to the proof of an alibi that it should cover and account for the whole of the time of the transaction in question or at least for so much of it as to render it impossible that the accused could have committed the act attributed to him. It is not enough that it renders his guilt improbable merely. If the time is not exactly fixed and the place at which the accused is alleged to have been present is not far off as in the present case, the question then becomes one of opposing probabilities.

31. The credibility of an alibi is greatly strengthened if it be set up at the moment when the accusation is first made and is consistently maintained throughout the subsequent proceedings. On the other hand, it is a material

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material circumstance to lessen the weight of this defence if it is not resorted to until some time after the charge has been framed as in the present case.

32. This defence is especially easy of fabrication in regard to the essential element of time where a few minutes may be of vital moment and the unblushing effrontery with which witnesses sometimes present themselves to speak of time without regard to plausibility or consistency is truly surprising.

33. In the light of the principles enunciated above, hardly any weight could be attached to the evidence of alibi put forward by some of the accused. There is besides a lot of intrinsic weakness in the evidence itself in each case as there are several discrepancies and improbabilities between the evidence of one witness and another. It cannot therefore by any means over-ride the positive evidence adduced by the prosecution in each case.

34. We shall next proceed to assess the responsibility of each of the 25 accused for the offences alleged against them.

35. A1. Suryanarayana Rao- This accused is practically one of the ringleaders of the unlawful assembly and there is overwhelming evidence from a number of witnesses about his having taken an active part in inciting the mob and offering resistance to the Police. (Vide Evidence of Pws 1, 3, 7, 10 12, 14to 18, 21 to 23, 26, 35to 41, 43, 45 and 47 to 49). Pw 35 Constable Munisamy of Bangalore city Police speaks to his having received a blow from him on his cheek and to there having been bleeding in the nose and mouth in consequence. The defence put forward is that of alibi saying that this accused was in the Exhibition grounds from 7-30 to 10-15 P.M. But no defence evidence has been adduced on the ground that several officers of Government whom he wanted to cite as

as witnesses on his behalf were unwilling to depose in his favour. He must therefore be held liable for an offence under Sections 147 and 332.

36. A2 Rama Sothu - This is another ringleader of the unlawful assembly and as in the case of A1, there is overwhelming evidence about his having taken an active part in inciting the mob and offering resistance to the Police. (Vide evidence of Pws 1, 6, 8, 12 to 16, 20, 21, 23, 25, 27 37, 38, 40, 41, 43, 45 and 47 to 49). He has also put forward a plea of alibi saying that he left his house in a Bus at 9 P.M., with his ladies and was standing in a road leading to the Hardinge Circle at 9-30 P.M., and did nothing beyond questioning Inspector Channa Iyengar whether it was proper for the Police to have beaten a boy on a festive occasion like the Vijaya Dasami. This defence was put forward at a very late stage on 15-1-24 and not in the very first instance and is not therefore entitled to as much weight as it could otherwise have been. He has examined 6 defence witnesses to show that he was at the Exhibition building till 7 P.M., at his residence till 9 P.M., and in the Statue Square at 9-30 P.M. All this is absolutely unbelievble in the light of the principles governing alibi evidence. He must therefore be held liable under section 147.

37. A3 Lakshmana Nair - Pw 37 Constable Sampath Kumaran speaks to his having seen this accused throwing stones and to his having caught him red-handed with a stock of stones deposited in an umbrella in the Park next to the shop of Krishnaiah Chetty and handed him over to Pw 40 Inspector Puttanna who also corroborates him. The Defence put forward is that he was a new arrival at Mysore, having come here and joined service as a tailor with Pw 4 about 10 days prior to the date of occurrence. He and his master who had come with his family were standing in the Park next to the shop

shop of Krishniah Chetty. When the elephant ran amok, he was separated from his master and got over a tree but was caught by the Police while getting down. But Dw 4 gives the lie direct to this version when he says that he and his 2 children stayed for some time with A3 not in the Park but near the Statue. The prosecution evidence against this accused therefore stands unrebutted and he must be held liable under section 147.

38. A4 Ramaswamy - Pw 40 Inspector Puttanna speaks to this accused having been caught red-handed while pelting stones from the Park near Krishnaiah Chetty's shop and there appears to be no reason why his version should not be believed. Dw 37 cited as a defence witness by the accused does not deny the accused having been caught, but adds that he was caught for no fault of his. This is unbelievable. He must therefore be held liable under section 147.

39. A5 Gopala Setty - He was caught red-handed by Pw 37 Constable Sampathkumaran while pelting stones from the compound wall next to Krishnaiah Chetty's shop and handed over to Inspector Puttanna who also corroborates the fact. Jamedar Hyder Ali Khan Pw 23 speaks to his being found holding the reins of the pony tied to the tonga near Krishnaiya Chetty's shop at 8-30 P.M. Mr. Mohamed Sait Pw 38 speaks to his presence near the tonga saying that it would not be allowed to be moved till the boy was shown to His Highness. His defence is that he got a fright by the elephant having run amok and therefore got up a tree and was caught by the Police though he did nothing else. But no defence witness has been examined to prove this plea. He must therefore be held liable under section 147.

40. A6 Venkatakrishna - This is a brother of the injured boy Ramu who is the central figure in the drama. A number of witnesses speak to his having occupied a seat in

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in the tonga with the boy on his lap during the whole period of the occurrence. Events would probably have taken a different turn if he had shown his brotherly affection to the boy by taking him home or to the Hospital instead of allowing a demonstration being made before His Highness. His plea was one of denial at first but he actually examined two witnesses for the defence Dw 39 and Dw 58 to prove an alibi. These witnesses speak to his having gone to them as a bill collector for the recovery of a small instalment of a loan due from them about the time of the occurrence. Such alibi evidence is absolutely of no value. He must therefore be held liable under section 147.

41. A 7 Vishakantaiya - Several witnesses speak to his overt acts as well as his presence at the scene of occurrence. Pw 43 speaks to his having seen him in the act of throwing stones at the Police. Pw 4 speaks to his resisting the removal of tonga. Pws 3, 5, 7, and 19 speak to his taking an active part in the galata. The defence put forward is that he was suffering from an ulcer and therefore stayed at home on the day of occurrence. He has examined a defence witness whose evidence does not establish clearly that he was really bedridden from the effects of the ulcer to such an extent as to be unable to move about. He must therefore be held liable under section 147.

42. As regards the charge under section 353, Pw 18 constable Ameer Beig is the only person that speaks to his having pushed him. But he is unable to say on what part of the body he was pushed or who had seen his being pushed. Besides, he admits having been in mufti. No case could therefore be held to have been made out under section 353.

43. A8 Kariya (a) Kalaiya - The only act attributed to this accused is that he was near the tonga in front of Krishniah Chetty's shop abusing the Police. This is stated

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stated by a solitary witness Pw 28 Constable Ahmed Hussain, the words said to have been used being ಓಸ್ ಲೋಫರ್. This cannot possibly be taken as a serious overt act. He has examined 3 Dws 1, 2 and 3 to show that he was grazing his cattle near the Banni Mantap and never came to the scene of occurrence. This appears to be a fit case for acquittal.

44. A11 Devaraj. Pw 11 Nanje Gouda is the solitary witness who speaks to this accused's presence in the crowd and to his having beaten an unknown Policeman on the head. He admits not having mentioned the name of this accused when his statement was recorded by the Police. There is no reason why the Police man should not have come forward with his grievance if he had really been beaten on the head. The defence is that being a driver, he returned from a trip at 2 P.M, and was engaged in the workshop till 9wP.M., when he went home. This appears to be a fit case for acquittal.

45. A-12 Subbaiya - Two constables Pw 21 and Pw 26 speak to the presence of this accused near the tonga and one of them speaks to his having seen him abusing the Police. The former also states that he did not listen to the advice of Inspector Puttanna and Sub Inspector Thimme Gouda. But not a word is spoken by the two latter about him. He has examined two defence witnesses to show that he was in the Rama Mandiram at Erangere at the time. He appears therefore to be entitled to an acquittal.

46. A13 Thagadaiya - Three constables Pws 18, 21 and 25 speak to his presence near the tonga and four others Pws 5, 7, 18 and 19 speak to his having taken part in the galata. Pw 34 Havaldar Abdul Rahman of Bangalore Special Reserve force speaks to his having been beaten by him near the Clock Tower Square at 8-30 P.M., and to have fallen down and grown unconscious. The defence put forward is that it is usual for

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for him to do extensive business in his sweetmeats shop during festive occasions like the Dasara and that on the Vijaya Dasami of 1932, he was attending to his customers in the shop at 9 or 9-30 P.M., and did not go out to see the procession. He has examined 2 defence witnesses Dw 30 and Dw 38 but their evidence is not entitled to any weight in the light of the principles governing alibi evidence. He must therefore be held liable under sections 147 and 332.

47. A14 Srinivasachari - Three Police constables Pws 18, 21, and 26 speak to his presence near the tonga and to his being found abusing the Police and not listening to the advice of the Police officers. One of them also speaks to his having incited those around him to drag the Police and belabour them. The defence put forward is that being a goldsmith he was engaged in buying some moulds required for his use in a gujari shop and was not present at the scene of offence. He has examined two witnesses Dw 31 and Dw 32 but their evidence is not entitled to any weight in the light of the principles governing alibi evidence. He must therefore be held liable under section 147.

48. As regards the charge under section 353, Pw 18 Constable Ameer Beig is the only person that speaks to his having been pushed by this accused in the discharge of his duty. But he is unable to say on what part of the body he was pushed or who had seen his being pushed. Besides, he admits having been in mufti at the time and nobody could possibly recognise him as a Police officer on duty. No case could therefore be held to have been made out against this accused under section 353.

49. A18. Thibba - Two constables and one Head Constable Pw 24, 26, and 45 speak to his having been present near the tonga abusing the Police. One of them speaks to his not

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not having listened to the advice of several officers and private gentlemen but refused to leave the spot. Pw 38 Sergeant Hanumanta Reddy of the Bangalore Special Reserve ~~Fx~~ force speaks to his having beaten him with his hands and he has identified him at the Parade . The defence put forward is that he was a cleaner in C.P.C. Service and had gone to Bangalore in the Bus on 7-10-1932 and returned on the 13th He has examined two defence witnesses Dw 35 and Dw 36. One of them speaks to his having sent a chit with him on the 7th to fetch his children from Bangalore for the Vijaya Dasami but to their not having been brought till the Nettada Jatra day. The other speaks to his having seen him going in the bus on the 7th and not having returned till the 12th or 13th. But neither the chit nor the gate pass book have been produced. This evidence is too improbable to be believed. He must therefore be held liable under sections 147 and 332.

50. A 19 Srikantaiya - Three Police constables Pws 25, 26 and 43 speak to his presence near the tonga and two private people Pw 3 and P w 5 speak to his taking part in the galata and inciting people to throw stones. One of the constables speaks to his having been found actually throwing stones at the Police and Inspector Lawler of the Provincial Reserve force speaks to his having picked dust and thrown it at him. The defence put forward is that he was a seller of plantains in the market and was engaged in his trade at the time of the alleged occurrence. He has examined ~~fx~~ two defence witnesses on his behalf Dw 13 and Dw 14 but they do not speak to the exact hour at which he was in his shop on the Vijaya Dasami of 1932. He must therefore be held liable under sections 147 and 353.

51. A 20 Melaiya - Two Police Constables Pws 25 and

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and 26 speak to his presence near the tonga abusing the Police and Sergeant Hanumanta Reddy of the Special Reserve force speaks to his having beaten him with his hands after the procession had returned to the Palace. The defence put forward is that he was standing near the Old Body guard Lines to view the procession and was never present at the scene of occurrence. He has examined two defence witnesses Dw 11 and Dw 12 but the evidence of one of them is in conflict with that of the other. He must therefore be held liable under sections 147 and 332.

52. A22 Basha Sab - Two Police Constables Pws 18 and 25 speak to his presence near the tonga but one of them is unable to say that he was doing. Pw 2 speaks to his having found him saying that a Police man had beaten some man to death and that they should make a demonstration of it before His Highness. The evidence against this accused appears to be too scanty to make out a case under section 147.

53. A 23 Krishna Singh - Three constables Pws 18, 24 and 25 and a private person Pw 2 speak to his presence near the tonga and one of them speaks to his having incited the people round about the tonga to drag the Police and belabour them. Sergeant HanumantaReddy Pw 38 of the Bangalore Reserve force speaks to his having beaten him with his hands after the procession reached the Palace. The defence put forward is that he stayed at home and did not go out to see the tamash as his brother was an invalid. He examined 4 defence witnesses Dws 21, 23, 24 and 25 on his behalf who speak to their having seen this accused near his house on the Vijaya Dasami night as his brother was off his head for the previous one or two years. Their evidence is unbelievable in the face of the positive evidence on behalf of the prosecution about his presence at the scene of offence. He must

must therefore be held liable under sections 147 and 332 of the Indian Penal Code.

54. A24 Narayana Murthy - The overt acts attributed to him are that he beat a Reserve Constable Pw 35 Munisamy of Bangalore with an umbrella on the bridge of the nose and that he was inciting the mob to belabour the Bangalore Police as it was they that were responsible for the disturbance. The Reserve Constable who was beaten and Sergeant Hanumantha Reddy Pw 36 of Bangalore are the only two people who have deposed against him in this behalf. But both these happen to be persons belonging to the Special Reserve force at Bangalore and had not seen this accused before. According to one of them Pw 36, both happened to be together at the same place from start to finish on the night of occurrence and yet it is somewhat strange that Pw 36 should have been utterly oblivious of the serious injury caused to his comrade on a prominent portion of his body like the bridge of the nose. There is one other circumstance that merits consideration in this connection. The name of this accused has been put down as Vasudeva Murthy in the complaint P1 filed by Pw 14 Sub Inspector Thimme Gouda and the latter has plainly admitted that he himself did not know the name of this accused at the time and he is not in a position to say who it was that gave the name to him. Pw 45 Jamedar P.A. Sreenivasan who gave the names of some of the accused to Sub Inspector Thimme Gouda denies having seen this accused in the crowd or given his name to him. In the light of these facts, it would be unsafe to hold him liable under section 147.

55. A 25. Muddaiya - The only allegation made against this accused by 3 People Pws 9, 11 and 21 is that he was present in the crowd on the day of occurrence near about the tonga and did not listen to the advice of Sub Inspector

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Inspector Thimme Gouda and Inspector Puttanna. He was identified only in this court and not at the Parade. Besides, neither Sub Inspector Thimme Gouda nor Inspector Puttanna has enlightened us on the point as to whether they advised him at all and if so, what was the advice they gave. It would therefore be unsafe to hold that a case is made out against him under Section 147.

56. A 29. Perumalu - Two Constables Pw 21 and Pw 29 who were on C.I. B Business at the scene of offence speak to the presence of this accused in the crowd near the tonga and one of them plainly admits that he did not see if any overt act was done by him to obstruct the Police on duty. The other says that this accused and several others were abusing the Police but he was unable to say what were the exact terms of abuse that were used by each of them. Besides, he has made no mention of the name of this accused at the earliest opportunity before the Investigating officer Inspector B Rama Rao. In such a state of uncertainty it would be unsafe to hold that a case is made out against him under section 147.

57. A 30 Narasimha Iyengar - Five constables Pws 1, 21, 24, 25 and 28 and one private person Pw 7 make allegations against this accused and all that they say against him is that he was standing near the tonga at the time of the galata. One of them has also stated that he was advocating the desirability of making a demonstration of Police high handedness before His Highness. This by itself cannot be taken as constituting an offence. That he did no overt act justifying his being brought under the arms of the law is patent from the fact that, although Pw 23 Jamedar Ryder Ali Khan saw him near the tonga, he did not think it necessary to implicate him when he got his statement recorded before the Investigating officer Pw 44 Inspector B. Rama Rao. The weakness of the prosecution

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prosecution story about this accused finds further confirmation from the evidence of Mr. K.S. Srinivasa Iyengar, Barrister-at-law who has been examined as a defence witness No. 33. He has sworn to the fact that he was near the Clock Tower Square from 7-30 to 11 P.M., but did not see this accused near about the tonga during these hours. He had seen his brother Krishna Iyengar whose physiognomy was very similar to that of this accused. No case could therefore be held to have been made out against this accused under section 147.

58. A31 Narasimhaiya - Pw 23 Hyder Ali Khan is the only witness that implicates this accused as having been found near the tonga saying that the same should not be removed from the place. But the name of this accused does not find a place in the first complaint filed by Pw 14 Thimme Gouda which contained only the names of accused 1 to 30. It was added on 12-10-32 but not on the information of Hyder Ali Khan who has plainly confessed that by Narasimhaiya he meant Narasimha Iyengar and he did not know to what caste he belonged. In such a state of uncertainty it would be unsafe to hold this accused liable under section 147 on the strength of the evidence of a solitary witness of this type.

59. A33 Sundararaja Naikar - The only witness that has implicated this accused is Pw 9 who says that he gave a blow on the turban of an unknown Policeman. The value that would otherwise have been attached to such a statement is diminished to a considerable extent by the fact that, according to the evidence of the Investigating Officer Pw 44, no mention was made by Pw 9 in his statement before him that this accused assaulted a Police constable on his turban. Besides, the first complaint Ex 1 of Pw 14 Thimme Gouda does not contain the name of this accused which was only added some days later. No case could therefore be held to have been made out against him under section 147.

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60. A35 Mr. Sadasiva Sastry - Three Police officers and a Municipal Lorry driver have implicated this accused. One of these Pw 40 Inspector Puttanna has stated that, when he was surrounded by a rowdy set of people, he was infuriating the irritated mob by saying that this was not the way that the Police should behave. What exactly this refers to is not clear from the context. If we accept the interpretation put upon it by another Police officer Pw 22 Sub-Inspector Subba Ratnam, all its poignancy is taken away as he has stated that this accused came to Inspector Puttanna and was discussing whether it was right for the Police to beat a man to death as they had done and Inspector Puttanna went away saying he would enquire. It is difficult to explain why Inspector Puttanna should have painted such a harmless discussion in such black colours except by assuming that he wanted to pay off an old score on account of what is known as the "Sidde Gouda incident" in which this accused is admitted to have taken an active part against the Police.

61. Similarly the statement of Pw 17 that this accused was supporting the Sankar Studio man A 33 and telling him not to do like this or that is too cryptic to mean anything serious. There then remains the evidence of Pw 29 Jamedar Hyder Ali Khan. He knows this accused for 10 or 12 years and was his class-mate in the Karl Mallappa's School for 2 years and yet he does not know his full name. The only overt act that he attributes to him is that, when the procession of His Highness arrived he and others took the tonga near the howdah elephant. But not a single other witness speaks to the happening of this incident.

62. It has to be remembered in this connection that the name of this accused does not find mention in the first complaint of Thimme Gouda and Pw

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the name to the Investigating officer at a later stage when the name was added to the charge sheet. If he had really done an overt act of the kind described, there is absolutely no reason why his name should not have been given at the very earliest stage instead of being added at a later stage.

63. This accused is said to be a Gymnastic Teacher in the Maharaja's College and Mr. J.C. Rollo, its Principal, who knows him for over 10 years seems to have a very high opinion of his character judging from the certificate he has granted to him. His relatives are said to be Ritwiks in the Palace and he contends that he would be the last man to take part in any act of disloyalty to His Highness.

64. Mr. P.K. Raman, who was Postal Superintendent at Mysore at the time and was seated with members of his family in the verandah to the South of Abba Abdul Shukur Sait & Sons' Shop to view the Dasara procession from 8-15 to 11-30 P.M., speaks to this accused having stayed with him during the whole of this period with some ladies and children showing great solicitude to the women and children who were panic-stricken and was helping them in several ways.

65. Mr. Y.B. Rice, Proprietor of the Electric Heating and Lighting service at Mysore, also speaks in grateful terms to the service rendered by this accused to him and to the members of his family when they were seated in Mohamed Sait's building to view the Dasara procession between 8 and 10-30 P.M.,

66. In the face of the unqualified testimony of such independent and respectable witnesses to the presence of this accused in their company for a number of hours on the Vijaya Dasami Night, it is difficult to attach much weight to the cryptic and interested evidence adduced by the prosecution against him. It would therefore be unsafe to hold that a case has been made out against him under section 147.

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67. A 36 Sambhulingaiya - The only overt act attributed to this accused by Pws 6, 17, and 29 is that he was telling the people in the crowd not to clap their hands when His Highness arrived in procession but to beat their mouths. If these words had really been uttered as alleged, it is not known why Pw 29 Jamedar Hyder Ali Khan should not have mentioned the same at the earliest opportunity either to Sub Inspector Thimme Gouda who filed the first complaint P1 or to the Investigating Officer D. Rama Rao. The delay in impleading him as an accused has not been satisfactorily explained. This has its own story to tell and the benefit of it should necessarily go to the accused.

68. This accused is said to be the proprietor of the Sankar Studio and a recipient of Government and Palace patronage. It is unlikely that such a man would so far forget himself as to have uttered the words attributed to him. He contends that on the Vijaya Dasami night he had many customers to attend to in his Studio and he had hardly any time to leave his place of business as there were no Assistants at the time.

69. He has examined four defence witnesses on his behalf. They are all respectable people and speak to his presence in the shop from 8 to 9-45 P.M. No case could therefore be held to have been made out against him under section 147.

70. Having discussed the liability or otherwise of each of the accused in the foregoing paragraphs, I shall now proceed to pass orders in pursuance of the above findings. Out of the 27 accused that stood charged under section 147 of the Indian Penal Code, one was given up as absconding and the other is reported to have died. There will then remain 25 of whom the following 12 are acquitted under section 258 of the Criminal Procedure Code as no case appears to have been made out against them :-

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them :-

1) A8 Kariya (a) Kalaiya.
2) A11 Devaraj.
3) A12 Subbaiya.
4) A22 Bachan Lab.
5) A24 Narayana Murthy.
6) A25 Muddaiya.
7) A29 Perumalu.
8) A30 Narasimha Iyengar.
9) A31 Narasimhaiya.
9) A32 Sundararaja Naiker.
10) 35 Sadashiva Sastry.
11) A36 Sambhulingaiya.

71. The following 13 accused are fo[illegible] section 147 of the Indian Penal Code and I order accordingly :-

1) A1 Suryanarayana Rao.
2) A2 Rama Sethu.
3) Lakshmana Nair. A3.
4) A4 Ramaswamy.
5) A5 Gopala Setty.
6) A6 Venkata Krishna.
7) A7 Vishakantaiya.
8) A13 Thagadaiya.
9) A14 Trinivasachari.
10) A 18 Thibba.
11) A 19 Srikantaiya.
12) A 20 Melaiya.
13) A 23 Krishna Singh.

72. Passing next to the question of sentence, we find that A1 Suryanarayana Rao and A2 Rama Sethu are practically the main ringleaders. A6 Venkatakrishna is a brother of the injured boy Ramu who is the central figure in the drama.

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drama. If only he had the good sense to show his brotherly affection to the boy by taking him home or to the Hospital as soon as he was injured and then think of complaining to the authorities concerned instead of deciding to make a demonstration before His Highness, events would probably have taken a different turn altogether. In view of these circumstances, I consider it desirable to award a more deterrent punishment in the case of these 3 accused than in the cases of the others. I accordingly sentence each of these 3 accused to rigorous imprisonment for two years; and each of the remaining 10 accused to rigorous imprisonment for one year.

73. Of the 6 accused against whom a separate charge was framed under section 332, I order the acquittal of one A24 Narayana Murthy under section 258 of the Criminal Procedure Code. I find the remaining 5 accused named hereunder guilty under section 332 and sentence each of them to rigorous imprisonment for 6 months, the sentence passed being allowed to run concurrently with that which has been awarded under section 147 :-

1) A1 Surya Narayana Rao.
2) A13 Thagadaiya.
3) A18 Thibba.
4) A20 Kelaiya.
5) A23 Krishna Singh.

74. Of the 3 accused against whom a separate charge was framed under section 353 of the Indian Penal Code, I order the acquittal of two, namely, A7 Vishakantaiya and A14 Srinivasachari. I find the remaining accused A 19 Srikantaiyaguilty under section 353 of the Indian Penal Code and sentence him to rigorous imprisonment for 6 months, the sentence being allowed to run concurrently with that which has been awarded to him under section 147.

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147:

75. The bamboo sticks, stones and brick-bats produced by the Police (articles 1 and 3) will be thrown away. The umbrella (article 2) seized by the Police from Ali Lakshmana Nair will be delivered to him. The blood stained Police Uniform (article 4) will be returned to the City Crime Branch for transmission to Pw 32 Constable Ruchaiya of the Special Reserve force, Bangalore.

76. Pronounced in open court.

Sd/- T.C. Subbararappa,
City Magistrate, 31-3-34.

Copy.
B.O
31.3.34

Appendix to Criminal Case No. 130 of 32-33.

The following witnesses were examined for prosecution :-

1. Mohammad Hussain. 2. Nannaji Rao. 3. Madaiah. 4. Chamundi 5. Doddaiah. 6. Abdul Karim. 7. Rama Raje Urs. 8. Jayantha Raj. 9. Mohammad Ibrahim. 10. Lingappa. 11. Nanje Gouda. 12 M.P. Lingaiya. 13. Krishnama Naidue. 14. Mr. L.K. Thimme Gouda 15. Gopal Singh. 16. Ameer Beig. 17. S.S. Rajoo. 18. Raja Suryanarayana Setty. 19. Gopal Singh. 20 Mr. Anantha Swamy Rao. 21. Doreswamy Iyengar. 22. C.S.S. Ratnam. 23. Hyder Ali Khan. 24. Srikantaiya. 25. Rachaiya. 26. Ahamad Hussain. 27. K. Venkataramaiya. 28. Dharmalingam. 29. Seena Reddy. 30. Syed Ahamad. 31. Syed Mustafa. 32. Hucnaiya. 33. Rama Singh. 34. Abdul Rahim. 35. Muniswamy 36. Hanumantha Reddy. 37. Sampathkumaran. 38. Mr. Mohammad sait. 39. Mr. Lawler. 40. Mr. G.N. Puttanna. 41. Mr. Channa Iyengar. 42. Abdul Khudus. 43. M.A. Srinivasan. 46. Mr. K. Rama Rao, Sub Assistant Surgeon. 47. Muhammad Usman. 48. Abdul Wahab. 49. Chota (a) Lawyer. 50. Mr. Venkatasubba Rao Sub Assistant Surgeon. 51. Mr. C.S. Machia Assistant Superintendent of Police. 52. Sheshagiri Achar. 53. Thammanna. 54. Mr. M. Rama Rao, Assistant Secretary to H.H. The Maharaja. 55. A. Anantha Iyengar. 56. Mr. B.S. Puttaswamy Advocate. 57. Mr. Puttaiya House Surgeon. 58. Ramoo. 59. Mr. G.V. Suryanarayana Setty.

The following exhibits were filed for prosecution:-

Exhibit P1. Report of Mr. M.K. Thimmegouda to the Inspector Crime Branch Mysore.

-do- P2. Accident Register of K.R. Hospital. (Same as Exhibit P5 in C.C. 113/32-33)

-do- P3. Complaint of Muhammad Usmon Pw 47 before the Police.

(Same as Ex P1 in C.C. 113/32-33

Exhibit P4. List of inpatients admitted into K.R. Hospital.

-do- P5. Plan of Clock Tower and surroundings.

-do- P6. Notice dated 1st October 1932, issued by the Deputy commissioner regarding the prohibition of the vehicular traffic.

do- P7. Case sheet of Ramu (Pw 58) brother of accused No.6.

do- P8. Admission register of K.R. Hospital

-do- P9. Case sheet relating to Syed Mustafa.

-do- P8(b) Corresponding entry to P9.

-do- P10. Case sheet of Huchaiya.

do- P11 do- Muniswamy.

-do- P8(c) Corresponding entry to Ex P11.

The following is a list of articles connected with the case.

Article 1. Four bamboo sticks.

-do- 2. One umbrella.

-do- 3. Twenty stones and brick bats.

-do- 4. One black coat.

The following witnesses were examined for Defence :-

1. Chikka Mariswamaiya. 2. Dodda Mariswamaiya. 3. Dasagowda (a) Dasappa. 4. Manaji Rao. 5. S.G. Muniswamy Raju. 6. Madappa. 7. Patel Linge Gouda. 8. K. Parasharama Rao. 9. Contractor Linganna. 10. Mayanna. 11. Chandrashekhara Gowda. 12. Kempalinge gouda. 13. Thammaiya. 14. Alappa. 15. Sileman Sait. 16. Nanjappa. 17. K. Krishnaraju. 18. V.T. Armugam Mudaliar. 19. M.C. Chunchaiya. 20. Mr.B. sreenivasa Murthy. 21. M.Mohammad Peer. 22. H. Ramakrishna Sastry. 23. Karkhane Seenappa. 24. Chinnaswamaiya. 25. Lakshmaiya. 26. Ramappa. 27. Mr. M.K. Raman Superintendent of Post offices. 28. Narasimha Sastry. 29. Mr.B. Krishna Rao Assistant proffessor Maharaja's college. 30. Mr.J.B. Sice. 31.T.V. Krishnappa. 32. M. Subba Rao. 33. K.R. Sreenivasa-Iyengar (Barrister at law) 34. M.C. Nagarajaiah.

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35. Madaiya. 36. Muhammad Peer Sab. 37. Krishnaswamaiah. 38. M.S. Kenche Gouda. 39. Venkataramanaiah. 40. K. Swaminatha Sastry. 41. Nanjappa (a) Papaiah. 42. Huchaiya (a) Papaiah. 43. Kenchappa. 44. Linganma. 45. Mr. C. Krishanappa, Sub Asst Surgeon. 46. Narasimhaiya. 47. C. Krishnaswamy Iyengar. 48. Basave Gouda (a) Basavanna. 49. S. Shama Rao. 50. K. Nageshan. 51 M. Swami Rao. 52. S.N. Varada Raj. 53. Abdul Rahiman Sab. 54. Ramaswamy Achari. 55. Ramachandriah. 56. K.S. Sundararaja Iyengar.

The following exhibits were filed for the Defence:-

Exhibit D1. Printed copy of Notice issued by the District Magistrate, Mysore on 29-9-32 regarding Police arrangements during the Dasara of 1932.

-do- D2. Out-Patient Register by the Palace Dispensary commencing from 20-9-32 to 17-10-32.

-do- D2(a) Entry made in the Out-Patient Register of the Palace Dispensary on 14-10-32 for the treatment of 7th accused Vishkantaiya (Register No. 23888).

Office of the Public Prosecutor,
Mysore Division.

Camp. Chickmagalur Dated 31st March 1934.

From

The Public Prosecutor,
Mysore Division,
MYSORE.

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Section, BANGALORE.

Subject: C.C. No. 113/32-33 (Government vs A.N. Suryanarayana Rao and others) on the file of the City Magistrate, Mysore

SIR,

I have the honour to state that in the above-noted case ~~has been adjourned to judgment~~ has been delivered as per details noted overleaf.

I have the honour to be
Sir,
Your most obedient servant.

Public Prosecutor,
Mysore Division.

P.P.O.

138 (1) C.C. No. 113/32-33

4th accused acquitted.

1st Accd A.N. Suryanarayana Rao
2nd " K.S. Ramaseshu and
3rd " Venkata Krishna

} each was convicted and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs. 100/- each in default to undergo three months rigorous imprisonment. The fine, if recovered, will be paid to Jangamani.

Public Prosecutor
Mysore

136 (2) C.C. No. 130/32-33

The following persons were acquitted.

(1) Kariya - A 8 (2) Devaraj - A 11 (3) Subbiah - A 12 (4) Batcha Sab - A 22 (5) Narayana Murthy - A 24 (6) Muddiah A-25 (7) Perumal A 29 (8) Narasimha Iyengar A 30 (9) Narasimhayya - A 31 (10) Sundararaja Naiker - A 33 (11) Sadasiva Sastry A-35 (12) Shambulingiah A 36.

The following 13 persons were Convicted & Sentenced as follows:-

		Sec. 147 I.P.C.	Sec. 332
1st Accd	A.N. Suryanarayana Rao	2 years	6 months
2nd "	Ramaseshu	2 years	
3rd "	Laxman Nair	1 year	
4th "	Ramaswamy	1 year	
5th "	Gopala Setty	1 year	
6th "	Venkata Krishna	2 years	
7th "	Visha Kantiah	1 year	
	(Acquitted under Sec: 353)		
13th "	Thagadiah	1 year	6 months
14th "	Srinivasachar (Acquitted for 353)	1 year	
19th "	Srikantiah	year	for 353 6 months. for 332
18th "	Thibbiah	1 year	6 months
20th "	Meliah	1 year	6 months
23rd "	Krishna Singhe	1 year	6 months

But the sentences of all these accd on 2nd charge sentence of 6 months will run concurrently.

Public Prosecutor

Office of the Public Prosecutor,
Mysore Division.

S 332/33
135

No. 9
Encls.

Camp. Chickmagalur.
Mysore, Dated 31st March 1934.

From

The Public Prosecutor,
Mysore Division,
MYSORE.

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Section, BANGALORE.

Subject: C.C. No. 130/32-33 (Government vs A.N. Suryanarayana Rao and others) on the file of the City Magistrate Mysore

SIR,

I have the honour to state that in the above-noted case ~~has been adjourned to~~ Judgment was delivered as per details noted overleaf

I have the honour to be
Sir,
Your most obedient servant,

Public Prosecutor,
Mysore Division.

P.T.O.

5497 933
P 939

POLICE DEPARTMENT.

Tel. Address
"POLICE"

PHONE No. 298

When replying please quote
No. C2/5469
33

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

Dated Bangalore, the 6th April *193*

G. AF..

FROM

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

CHIEF SECRETARY
10 APR. 1934

To

R. Ranga Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

I have the honor to report that the 2 cases charge sheeted by the Mysore Police in connection with the disturbances on the Vijayadasami Day, ended in conviction, the City Magistrate having awarded sentences as in the enclosed statement.

I have the honor to be,
Sir,
Your most obedient servant,

INSPECTOR GENERAL OF POLICE.

Submitted for perusal
TSD 11/4
11/4/34

C.C.No.113/32-33 Sections 392-114 I.P.C.

Accused Suryanarayana Rao	2 years' R.I. and Rs.100/- fine in default 3 months' R.I. under Sec: 392-114 I.P.C.
Do Ramasethu Iyer	Do
Do Venkatakrishna	Do

2. C.C.130/32-33 Sections - 147-332 I.P.C.

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1. Accused Surynarayana Rao	2 years' R.I.under Section 147 I.P.C. and 6 months' under Sec. 332 I.P.C.
2. Do Ramasethu Iyer	2 years' R.I. under 147 I.P.C.
3. Do Lakshmana Iyer	1 year's R.I. under 147 I.P.C.
4. Do Ramaswami	1 Do Do
5. Do Gopala Setty	1 Do Do
6. Do Venkatakrishna	2 years' R.I. under 147 I.P.C.
7. Do Vishakanthia	1 year's R.I. Do
8. Do Tagadiah	1 year's R.I. Do and 6 months' R.I. under 322 I.P.C.
9. Do Srinivasachari	1 year R.I. under Section 147 I.P.C.
10. Do Thibba	Do Do 6 months' R.I. under 332 I.P.C.
11. Do Srikanthiah	1 year's R.I. under Sec.147 I.P.C. and 6 months' R.I. under 353 I.P.C.
12. Do Meliah	1 year's R.I. under Sec. 147 I.P.C. and 6 months' R.I. under 332 I.P.C.
13. Do Krishnasingh	Do

Bangalore
6th April,1934

INSPECTOR GENERAL OF POLICE.